



CITY OF KENT, OHIO

CITY COUNCIL ■ 320 S. DEPEYSTER STREET ■ KENT, OHIO 44240 ■ 330-678-8007

Wednesday, November 18, 2020
Regular City Council Meeting

AGENDA

7:25 P.M. **BOARD OF CONTROL**

7:30 P.M. **REGULAR COUNCIL**

1. Roll Call
2. Opening Remarks and Pledge of Allegiance (Ms. Shaffer Bish)
3. Approval of Minutes
 - 3.1 Regular City Council Meeting of October 21, 2020
 - 3.2 Public Hearing November 4, 2020
4. Communications
 - 4.1 Public Comment
 - 4.1.1 Anyone wishing to address Council must submit their written comments to the Clerk of Council at councilclerk@kent-ohio.org by **4:30 p.m.** on the day of the meeting. If also requesting to speak at the meeting, comments are limited to three (3) minutes.
 - 4.2 Written Communication (All placed on file in the Clerk of Council's office)
 - 4.2.1 Standing Rock Meeting Minutes from October 8, 2020 received on October 12, 2020
 - 4.2.2 Board of Health Minutes and Statistical report from October 13, 2020 and Agenda for November 10, 2020 received on November 9, 2020.
 - 4.3 City Manager's Report
5. Standing Committees & Legislation
 - 5.1 Committee of the Whole (Mayor Fiala)
 - 5.1.1 Committee Meeting Minute Approval: November 4, 2020
 - 5.1.2 Action Recommended: None
 - 5.1.3 Voting for Boards and Commissions
 - 5.1.4 Authorize Insertion of Names into Legislation

- 5.1.5 **Draft No. 2020-104** A RESOLUTION APPOINTING _____ TO THE ARCHITECTURE REVIEW BOARD AND DECLARING AN EMERGENCY. (Authorized)
- 5.1.6 **Draft No. 2020- 105** A RESOLUTION APPOINTING _____ TO THE CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY. (Authorized)
- 5.1.7 **Draft No. 2020- 106** A RESOLUTION APPOINTING _____ and _____ TO THE FAIR HOUSING BOARD AND DECLARING AN EMERGENCY. (Authorized)
- 5.1.8 **Draft No. 2020-107** A RESOLUTION APPOINTING _____ TO THE INCOME TAX REVIEW BOARD AND DECLARING AN EMERGENCY. (Authorized)
- 5.1.9 **Draft No. 2020- 108** A RESOLUTION APPOINTING _____, _____ and _____ TO THE LOAN REVIEW BOARD AND DECLARING AN EMERGENCY. (Authorized)
- 5.1.10 **Draft No. 2020-109** AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA), FOR THE PERIOD OF NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2023, AND DECLARING AN EMERGENCY. (Unauthorized)

5.2 Community Development (Kuhar/Rosenberg)

- 5.2.1 Committee Meeting Minute Approval: NONE
5.2.2 Action Recommended: NONE

5.3 Streets, Sidewalks and Utilities (Sidoti/Wallach)

- 5.3.1 Committee Meeting Minute Approval: November 4, 2020
5.3.2 Action Recommended:
1) Allow the County/City multifamily recycling contract to expire at the end of the year and authorize multifamily properties to make their own arrangement for the collection of recyclables.
- 5.3.3 **Draft No. 2020-110** AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S RECYCLING SERVICE CONTRACT WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT SPECIFICALLY THE RESIDENTIAL MULTI-FAMILY FACILITIES; AND DECLARING AN EMERGENCY. (Authorized)

5.4 Land Use Committee (Ferrara/Schafer)

- 5.4.1 Committee Meeting Minute Approval: NONE
5.4.2 Action Recommended: NONE

5.5 Health & Safety Committee (Amrhein/Sidoti)

- 5.5.1 Committee Meeting Minute Approval: NONE
- 5.5.2 Action Recommended: NONE

5.6 Finance Committee (DeLeone/Wallach)

- 5.6.1 Committee Meeting Minute Approval: November 4, 2020
- 5.6.2 Action Recommended:
 - 1) Certify and authorize the submission of the proposed property tax liens.
 - 2) Approve the 2021-2025 Capital Improvement Plan.
 - 3) Adopt the resolution to authorize the transfer of County tax proceeds.
 - 4) Approve the 2020 Budget Appropriations Amendments.
- 5.6.3 **Draft No. 2020-111** AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT UNPAID CIVIL OFFENSE FINES: RENTAL LICENSING PROGRAM TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST, AND DECLARING AN EMERGENCY. (Authorized)
- 5.6.4 **Draft No. 2020- 112** A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2020 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE. (Authorized)
- 5.6.5 **Draft No. 2020-113** AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY. (Authorized)
- 5.6.6 **Draft No. 2020- 114** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$20.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM JERRY AND JOAN SKULLY AND JERRY F. SKULLY, AND DECLARING AN EMERGENCY (Unauthorized)
- 5.6.7 **Draft No. 2020-115** AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$1,200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MIKE PECHAC IN MEMORY OF LAVONNE DUNAWAY, AND DECLARING AN EMERGENCY. (Unauthorized)

6. Unfinished Business
7. New Business
8. Councilmembers' Comments
9. Mayor's Report
10. Adjournment

Posted November 12, 2020
Amy Wilkens, Clerk of Council
Visit <http://www.kentohio.org> for up to the minute Agenda Amendments

Any person who requires an auxiliary aid or service for effective communication or a modification of policies and procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at 330-676-7555 or councilclerk@kent-ohio.org. Any request for auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.



Boards and Commissions November 2020 Candidates

Architecture Review Board – One (1) Vacancy

MOTION TO APPOINT _____ TO THE ARCHITECTURE REVIEW BOARD

SECOND NEEDED

- ❖ Howard Boyle II Seeking Reappointment

Civil Service Commission - One (1) Vacancy

MOTION TO APPOINT _____ TO THE CIVIL SERVICE COMMISSION

SECOND NEEDED

- ❖ Christine Klein Seeking Reappointment

Income Tax Review Board- One (1) Vacancy

MOTION TO APPOINT _____ TO THE INCOME TAX REVIEW BOARD.

SECOND NEEDED

- ❖ Denise Mote Seeking Reappointment

Fair Housing Board- Two (2) Vacancies

MOTION TO APPOINT _____ AND _____ TO THE FAIR HOUSING BOARD

SECOND NEEDED

- ❖ Michael Harrison New Applicant
- ❖ Janet Dauber Seeking Reappointment

Loan Review Board- Four (4) Vacancies (2 Loan Officers, 1 Local Attorney, 1 Real Estate Agent)

MOTION TO APPOINT _____ AND _____ AND _____ TO THE LOAN REVIEW BOARD.

SECOND NEEDED

- ❖ Eric Decker Seeking Reappointment (Loan Officer)
- ❖ Tara Murphy Seeking Reappointment (Loan Officer)
- ❖ Mike McClure New Application (Real Estate Agent) * to fill unexpired term

DRAFT RESOLUTION NO. 2020-104

**A RESOLUTION APPOINTING _____ TO THE ARCHITECTURE REVIEW BOARD, AND
DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **Architecture Review Board**.

NAME

TERM

1/1/2021 to 12/31/2025

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2020-105

A RESOLUTION APPOINTING _____ TO THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **Civil Service Commission**.

NAME

TERM

1/1/2021 to 12/31/2026

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2020-106

A RESOLUTION APPOINTING _____ and _____ TO THE FAIR HOUSING BOARD, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ and _____ are hereby appointed to the **FAIR HOUSING BOARD**.

NAME

TERM

1/1/2021 to 12/31/2023

1/1/2020 to 12/31/2023

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2020-107

**A RESOLUTION APPOINTING _____ TO THE INCOME TAX BOARD OF REVIEW, AND
DECLARING AN EMERGENCY.**

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____ is hereby appointed to the **INCOME TAX BOARD OF REVIEW.**

NAME

TERM

1/1/2021 to 12/31/2022

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT RESOLUTION NO. 2020-108

A RESOLUTION APPOINTING _____, _____ and _____ TO THE LOAN REVIEW BOARD, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

SECTION 1. That _____, _____ and _____ are hereby appointed to the **LOAN REVIEW BOARD**.

NAME

TERM

1/1/2021 to 12/31/2025

1/1/2021 to 12/31/2025

Immediately to 12/31/2022

SECTION 2. As stated in Section 150.01 of the Codified Ordinances of the City of Kent, any person hereby appointed shall forfeit his or her term if he or she is absent from three (3) regular meetings of the Board or Commission to which he or she is appointed, unless one or more of these absences has been excused by the majority of members thereof.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Resolution is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

AMY WILKENS
CLERK OF COUNCIL

(SEAL)

DRAFT ORDINANCE NO. 2020-109

AN ORDINANCE AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KENT AND THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION (OPBA), FOR THE PERIOD OF NOVEMBER 1, 2020 THROUGH OCTOBER 31, 2023, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent, Ohio and the Ohio Patrolmen's Benevolent Association (OPBA), have agreed to the terms of a labor agreement to be effective from November 1, 2020 through October 31, 2023; and

WHEREAS, it is in the best interests of the employees and the City of Kent to adopt this ordinance as soon as possible.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The Administration is hereby authorized to enter into a collective bargaining agreement in the form and upon the terms set forth in the tentative agreement between the City and the Ohio Patrolmen's Benevolent Association (OPBA), for the period of November 1, 2020 through October 31, 2023, as is fully set forth in Exhibit "A", on file with the Clerk of Council.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020 - 110

AN ORDINANCE AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO AMEND THE CITY OF KENT'S RECYCLING SERVICE CONTRACT WITH PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT SPECIFICALLY THE RESIDENTIAL MULTI-FAMILY FACILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend the City's recycling service contract with Portage County Solid Waste Management District, specifically the residential multi-family facilities; and

WHEREAS, the residential multi-family facilities are having excessive contamination issues and the 2021 contract will be \$77.00 per dump and could escalate as high as \$93.00 per dump by the end of 2021 due to the levels of contamination; and

WHEREAS, the City of Kent's contract with Portage County Solid Waste Management District will end December 31, 2020; and

WHEREAS, the County has agreed to a 3-month contract extension at the same prices (final end would be March 31, 2021), to allow time for our multi-family facilities to individually obtain contracts for their recycling needs.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. Council does hereby authorize the City Manager, or his designee to amend the City of Kent's recycling service contract with Portage County Solid Waste Management District to end our contract with them on December 31, 2020 specifically pertaining to the residential multi-family facilities.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE 2020 – 111

AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT UNPAID CIVIL OFFENSE FINES: RENTAL LICENSING PROGRAM TO THE COUNTY AUDITOR IN ORDER TO ALLOW FOR THE PLACEMENT OF THE CERTIFIED AMOUNT ON THE REAL PROPERTY TAX LIST, AND DECLARING AN EMERGENCY.

WHEREAS, there are a number of delinquent unpaid civil offense fines which are related to the Rental Licensing Program which have been deemed uncollectible after numerous attempts to collect.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. That Kent City Council does hereby authorize the certification of the delinquent unpaid civil offense fines which are related to the Rental Licensing Program to allow for the placement of the certified amount on the real property tax list, see Exhibit "A", attached hereto and made a part hereof. It is the intent of Council that the amounts certified to the County Auditor shall be a lien on the property served by the services listed.

SECTION 2. That the amounts shown are hereby assessed upon the properties shown and such assessments shall be certified by the Clerk of Council to the County Auditor for collection in the same manner as general taxes. The Clerk of Council shall also certify that the unpaid charges have arisen pursuant to services made directly with the owner or tenant who occupied the property served.

SECTION 3. Council does hereby find that the certification of the unpaid civil offense fines meets all of the requirements of Sections 551.03 and 1405.03 and is further authorized by the Ohio Revised Code (including but not limited to Section 731.51).

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE NO. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

Owner Name	Address	Parcel Number	Amount	Date(s) Incurred	Description
CONSTELLATION OHIO LLC	210 HIGHLAND	17-024-34-00-019-000	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
CONSTELLATION OHIO LLC	1588 E SUMMIT RD (UNIT 1)	17-004-00-00-006-015	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
CONSTELLATION OHIO LLC	1592 E SUMMIT RD (UNIT 2)	17-004-00-00-006-015	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
CONSTELLATION OHIO LLC	1400 VINE (UNIT 1)	17-006-12-00-008-000	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
CONSTELLATION OHIO LLC	1402 VINE (UNIT 2)	17-006-12-00-008-000	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
CONSTELLATION OHIO LLC	508 N WILLOW ST	17-031-22-00-123-000	\$900.00	8/5/19, 4/9/20	failure to obtain rental license
BERTHIAUME KRISTIN ELIZABETH	503 ROCKWELL ST	17-030-20-00-132-001	\$900.00	9/19/19, 10/21/19, 11/12/19, 12/16/19, 3/13/20	failure to obtain rental license
BERTHIAUME JUSTIN & KRISTIN ELIZABETH (J&S)	249 HARRIS UP	17-012-20-00-199-000	\$900.00	9/19/19, 10/21/19, 11/12/19, 12/16/19, 3/13/20	failure to obtain rental license
BERTHIAUME JUSTIN & KRISTIN ELIZABETH (J&S)	249 HARRIS DOWN	17-012-20-00-199-000	\$900.00	9/19/19, 10/21/19, 11/12/19, 12/16/19, 3/13/20	failure to obtain rental license

CD Total Fines to Auditor 10/23/20

\$8,100.00

DRAFT RESOLUTION NO. 2020 -112

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE ANY PROPERTY TAXES THAT HAVE BEEN COLLECTED PRIOR TO THE NORMAL FEBRUARY SETTLEMENT DATE FROM THE PROCEEDS OF THE 2020 TAX YEAR COLLECTION PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The County Auditor is hereby authorized and directed to pay to the Director of Budget and Finance of the City of Kent, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer, which are payable to the City of Kent, from the proceeds of the 2020 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes, and special assessments.

SECTION 2. The Director of Budget and Finance of the City of Kent is hereby authorized and directed to furnish a copy of this Resolution to the County Auditor.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *RESOLUTION No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

DRAFT ORDINANCE NO. 2020-113

AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY.

WHEREAS, it is necessary to amend current appropriations, transfers and advances for the expenses and other expenditures for the City of Kent, Ohio, for the fiscal year ending December 31, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that:

SECTION 1. The current appropriations Ordinance No. 2019-139 passed December 18, 2019; as amended by Ordinance No. 2020-14, passed 2/19/2020, as amended by Ordinance No. 2020-23, passed 3/18/2020, as amended by Ordinance No. 2020-29, passed 4/15/2020, as amended by Ordinance No. 2020-42, passed 5/20/2020, as amended by Ordinance No. 2020-55, passed 6/17/2020, as amended by Ordinance No. 2020-69, passed 7/15/2020, as amended by Ordinance No. 2020-86, passed 8/19/2020, as amended by Ordinance 2020-102, passed 10/21/20, be amended as set forth in Exhibit "A", attached hereto and incorporated herein, so as to increase appropriations in Fund 126, CDBG Fund and Fund 137, Local CARES Act Fund; and Declaring An Emergency.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formation action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reason manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediate after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE No.* _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>General Fund (001)</u>						
City Council	\$167,708	\$32,803				\$200,511
Mayor	9,530	5,400				14,930
Community Support		86,500				86,500
City Manager	327,241	66,623				393,864
New City Hall Facility		0				0
Information Technology	85,484	227,968				313,452
Urban Renewal		72,300				72,300
Human Resources	64,790	19,488				84,278
Civil Service	32,425	48,953				81,378
Law	333,967	118,895				452,862
Budget & Finance	220,511	161,662	\$3,254			385,427
Community Development	609,174	268,106				877,280
Economic Development	124,748	40,890				165,638
Health	462,327	201,538				663,865
Public Parking		62,000	135,000			197,000
Main Street Program		70,000				70,000
Service Administration	73,619	503,416				577,035
Shade Tree		89,400	10,000			99,400
Adjunct Facilities		22,692				22,692
Building	315,150	70,272				385,422
Land banking		10,000				10,000
Engineering	240,940	98,442				339,382
Miscellaneous & Sundry		390,250				390,250
Contingency					\$100,000	100,000
Fund Total	\$3,067,614	\$2,667,598	\$148,254	\$0	\$100,000	\$5,983,466
<u>West Side Fire (101)</u>						
Fire	\$278,104	\$27,127				\$305,231
Fund Total	\$278,104	\$27,127	\$0	\$0	\$0	\$305,231
<u>Street Construction Maintenance & Repair (102)</u>						
Service	\$1,182,517	\$1,219,427				\$2,401,944
Contingency					\$25,000	25,000
Fund Total	\$1,182,517	\$1,219,427	\$0	\$0	\$25,000	\$2,426,944
<u>State Highway (103)</u>						
Service		\$70,000				\$70,000
Fund Total	\$0	\$70,000	\$0	\$0	\$0	\$70,000
<u>Recreation (106)</u>						
Parks & Recreation	\$1,427,466	\$699,048	\$249,000			\$2,375,514
Fund Total	\$1,427,466	\$699,048	\$249,000	\$0	\$0	\$2,375,514
<u>Food Service (107)</u>						
Health	\$110,523	\$8,000				\$118,523
Fund Total	\$110,523	\$8,000	\$0	\$0	\$0	\$118,523

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Income Tax (116)</u>						
Budget/Finance/IncTaxAdmin	\$308,391	\$542,233				\$850,624
Managed Reserve				\$25,540		25,540
Fund Total	\$308,391	\$542,233	\$0	\$25,540	\$0	\$876,164
<u>Revolving Housing (120)</u>						
Health	\$157,979	\$10,000				\$167,979
Fund Total	\$157,979	\$10,000	\$0	\$0	\$0	\$167,979
<u>State & Local Forfeits (121)</u>						
Police		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Drug Law Enforcement (122)</u>						
Police		\$9,000				\$9,000
Fund Total	\$0	\$9,000	\$0	\$0	\$0	\$9,000
<u>Enforcement & Education (123)</u>						
Police		\$11,000				\$11,000
Fund Total	\$0	\$11,000	\$0	\$0	\$0	\$11,000
<u>Income Tax Safety (124)</u>						
Police	\$7,484,419	\$691,110				\$8,175,529
Fund Total	\$7,484,419	\$691,110	\$0	\$0	\$0	\$8,175,529
<u>Law Enforcement Trust (125)</u>						
Police		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Community Development Block Grant (126)</u>						
Community Development	\$17,875	\$647,662	\$145,165			\$810,702
Fund Total	\$17,875	\$647,662	\$145,165	\$0	\$0	\$810,702
<u>NSP (Neighborhood Stabilization Program) Grant (127)</u>						
Community Development	\$400	\$139,115				\$139,515
Fund Total	\$400	\$139,115	\$0	\$0	\$0	\$139,515
<u>Fire & E.M.S. (128)</u>						
Fire	\$4,925,538	\$503,774	\$452,900			\$5,882,212
Fund Total	\$4,925,538	\$503,774	\$452,900	\$0	\$0	\$5,882,212
<u>Wireless 911 (129)</u>						
Safety		\$0				\$0
Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Swimming Pool Inspections (130)</u>						
Health	\$9,049	\$0				\$9,049
Fund Total	\$9,049	\$0	\$0	\$0	\$0	\$9,049
<u>Police Pension (132)</u>						
Police	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Fire Pension (133)</u>						
Fire	\$120,000					\$120,000
Fund Total	\$120,000	\$0	\$0	\$0	\$0	\$120,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		\$50,000				\$50,000
Fund Total	\$0	\$50,000	\$0	\$0	\$0	\$50,000
<u>CHIP Grant (136)</u>						
CHIP Grant/Comm Development		\$226,000				\$226,000
Fund Total	\$0	\$226,000	\$0	\$0	\$0	\$226,000
<u>Local Coronavirus Relief Dist Fund (137)</u>						
COVID-19		\$2,261,960.86				\$2,261,960.86
Fund Total	\$0	\$2,261,960.86	\$0	\$0	\$0	\$2,261,960.86
<u>Water (201)</u>						
Service	\$1,803,555	\$811,998	\$760,000			\$3,375,553
Service (Capital Facilities)			766,024			766,024
Admin. Support	656,481	73,947	6,450			736,878
Budget & Finance (Debt)				\$55,759		55,759
Contingency					\$50,000	50,000
Fund Total	\$2,460,036	\$885,945	\$1,532,474	\$55,759	\$50,000	\$4,984,214
<u>Sewer (202)</u>						
Service	\$2,113,748	\$860,274	\$949,592			\$3,923,614
Service (Capital Facilities)			71,359			71,359
Admin. Support	656,481	86,398	6,450			749,329
Budget & Finance (Debt)				\$581,320		581,320
Contingency					\$50,000	50,000
Fund Total	\$2,770,229	\$946,672	\$1,027,401	\$581,320	\$50,000	\$5,375,622
<u>Utility Billing (204)</u>						
Budget & Finance		\$92,586				\$92,586
Fund Total	\$0	\$92,586	\$0	\$0	\$0	\$92,586
<u>Solid Waste (205)</u>						
Service	\$91,128	\$161,790	\$5,000			\$257,918
Fund Total	\$91,128	\$161,790	\$5,000	\$0	\$0	\$257,918
<u>Storm Water Utility (208)</u>						
Service	\$250,308		\$18,000			\$268,308
Service (Capital Facilities)			1,184,868			1,184,868
Admin. Support	332,068	\$62,296	1,450			395,814
Budget & Finance (Debt)				\$9,968		9,968
Fund Total	\$582,376	\$62,296	\$1,204,318	\$9,968	\$0	\$1,858,958
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		\$1,000				\$1,000
Fund Total	\$0	\$1,000	\$0	\$0	\$0	\$1,000

2020 AMENDED APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Capital Projects (301)</u>						
Safety			\$181,900			\$181,900
Service			320,000			320,000
Service (Capital Facilities)			11,716,793			11,716,793
Administrative			51,400			51,400
New Admin. Facility			2,131,000			2,131,000
Budget & Finance (Debt)				\$332,439		332,439
Contingency					\$25,000	25,000
Fund Total	\$0	\$0	\$14,401,093	\$332,439	\$25,000	\$14,758,532
<u>Municipal Public Improvement Tax Increment Equivalent (302)</u>						
Service (Capital Facilities)						\$0
Budget & Finance (Debt)				\$1,391,175		1,391,175
Fund Total	\$0	\$0	\$0	\$1,391,175	\$0	\$1,391,175
<u>Police Facility (303)</u>						
Safety (Capital Facilities)			\$543,500			\$543,500
Budget & Finance (Debt)				\$3,132,525		3,132,525
Fund Total	\$0	\$0	\$543,500	\$3,132,525	\$0	\$3,676,025
<u>Debt Service (402)</u>						
Budget & Finance (Debt)				\$57,620		\$57,620
Fund Total	\$0	\$0	\$0	\$57,620	\$0	\$57,620
<u>Internal Service (807)</u>						
Health Insurance		\$3,700,000				\$3,700,000
Fund Total	\$0	\$3,700,000	\$0	\$0	\$0	\$3,700,000
Total Appropriations	\$25,113,644	\$15,633,343.86	\$19,709,105	\$5,586,346	\$250,000	#####
Original Appropriations	\$24,787,144	\$12,459,693	\$13,787,565	\$5,472,276	\$250,000	\$56,756,678
Amendment #1	326,100		5,859,140			6,185,240
Amendment #2		141,213	100,000			241,213
Amendment #3			106,900			106,900
Amendment #4			50,000			50,000
Amendment #5		451,096	(162,500)			288,596
Amendment #6		510,000	(10,000)	114,070		614,070
Amendment #7		8,000				8,000
Amendment #8		832,760.18	(22,000)			810,760.18
Amendment #9		1,230,981.68				1,230,981.68
	\$25,113,244	\$15,633,743.86	\$19,709,105	\$5,586,346	\$250,000	#####

\$0

DRAFT ORDINANCE NO. 2020-114

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$20.00 TO THE CITY OF KENT FIRE DEPARTMENT FROM JERRY AND JOAN SKULLY AND JERRY F. SKULLY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Fire Department has received a donation of \$20.00 from Jerry and Joan Skully and Jerry F. Skully with no instructions on the use of the money; and

WHEREAS, the City wishes to accept said donation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

SECTION 1. That Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$20.00 from Jerry and Joan Skully and Jerry F. Skully with no instructions on the use of the money.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL
(SEAL)

DRAFT ORDINANCE NO. 2020-115

AN ORDINANCE ACCEPTING A DONATION IN THE AMOUNT OF \$1,200.00 TO THE CITY OF KENT PARKS & RECREATION DEPARTMENT FROM MIKE PECHAC IN MEMORY OF LAVONNE DUNAWAY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent Parks & Recreation Department has received a donation of \$1,200 from Mike Pechac in memory of Lavonne Dunaway. The Kent Parks & Recreation Department will be honoring Ms. Dunaway with a plaque that will be mounted at the Kent Recreation Center; and

WHEREAS, the City wishes to accept said donation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, that

SECTION 1. Council does hereby authorize the City Manager on behalf of the City of Kent to accept the donation of \$1,200.00 from Mike Pechac in memory of Lavonne Dunaway and to purchase a plaque for the Kent Recreation Center and for the Budget and Finance Director to appropriate the donation into the proper fund.

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: _____
Date

Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: _____
Date

ATTEST: _____
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. _____, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON _____, 20_____.

(SEAL)

AMY WILKENS
CLERK OF COUNCIL
(SEAL)



City Council Regular Meeting Minutes

The City of Kent, Ohio
Wednesday, October 21, 2020

At 7:30 p.m., Mayor Jerry T. Fiala called the **Regular Meeting of Kent City Council** to order. Roll was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Ms. Melanie Baker, Public Service Director; Mr. Jim Bowling, City Engineer; Ms. Joan Siedel, Health Commissioner; Ms. Rhonda Hall, Budget and Finance Director; Mr. Kevin Schwartzhoff, Parks and Recreation Director; Mr. Gary Bishop, IT Manager; Mr. John Tosko, Fire Chief; Mr. Nick Shearer, Chief of Police; Ms. Amy Wilkens, Clerk of Council

Approval of Regular Council Meeting Minutes:

MOTION TO APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING OF September 16, 2020, Democracy Day and the October 7, 2020 Special Meeting made by Mr. DeLeone SECONDED by Mr. Kuhar, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

Communication:

Public Comment: Mayor Fiala asked the Clerk if anyone was signed in. There was one (1) visitor who signed in with the Clerk and given permission to talk to Council for three minutes. Mayor Fiala read a statement to the audience: *"While the law does not require Council to provide time for public comment, we have historically invited the public to make comments and we appreciate their input. This is the time where residents and others can comment on matters that concern them. However, we will not engage in debate, and as President of Council, I reserve the right to end any public communication that is disruptive, embarrassing, harassing or otherwise objectionable. We ask that when you begin speaking that you speak clearly, give your name and address and limit comments to three (3) minutes of discussion."*

There was one member of the public signed up to speak, Samantha Wyler of 1800 Rhodes Rd. Apt. 703, Kent. She submitted her statement prior to the meeting (**Attachment #1**) and spoke directly from it.

Written Communications were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

1. Video from Judge Doherty regarding reelection received and forwarded to Council on September 23, 2020.
2. Board of Health Minutes and Statistical report from September 8, 2020 and Agenda for October 13, 2020 received on October 8, 2020.
3. Parks and Recreation Board Packet for the October 15, 2020 meeting received on October 8, 2020.
4. Planning Commission Agenda and Staff Report for October 20, 2020 received on October 12, 2020.
5. Standing Rock Meeting Minutes from September 10, 2020 and the agenda for the October 8, 2020 meeting received on October 1, 2020

Communications Received after Agenda Publication were reported by Clerk Wilkens and placed on file in the Clerk's office as follows:

1. Civil Service Commission Meeting Agenda for October 19, 2020 received on October 15, 2020.
2. Letter from Kent Inter Faith Alliance (KIFA) for Racial Reconciliation and Justice received on October 16, 2020 and forwarded to Council.
3. Planning Commission Agenda and Staff Report for the October 27, 2020 meeting received on October 19, 2020.
4. Email from Chris Myers regarding picketing and loud music from cars received and forwarded to Council on October 21, 2020 (**Attachment #2**)

City Manager's Report was called for by Mayor Fiala.

1. David Ruller requested Council's authorization for the use of \$500 to help supply food and beverages to public safety personnel working Halloween night.
2. Chief Tosko is asking for Council's authorization to apply for the FY 2020 FEMA Assistance to Firefighter Grant to fund a replacement program for the fire department's Self-Contained Breathing Apparatus (SCBA). The estimated cost of the grant is not to exceed \$275,000 with a 10% local match.
3. Clerk Wilkens has requested Committee of the Whole time for Council to review the applicants for vacant positions on City Boards and Commissions.
4. Melanie Baker has requested Streets, Sidewalks, & Utilities Committee time to present a request from Portage County to let the City-County contract for recycling services to multi-family apartment units in Kent expire at the end of this year.
5. Jim Bowling has requested Streets, Sidewalks & Utilities Committee time to present the 2020 Capital Projects progress report to Council.
6. Bridget Susel has requested Finance Committee time to request Council's authorization to submit a list of properties in arears for Community Development fees/fines/payments to Portage County for the placement of a lien on the respective properties.

7. Rhonda Hall and Jim Bowling have requested Finance Committee time to present the proposed 2021-25 Capital Improvement Plan for Council's authorization.
8. Rhonda Hall has requested Finance Committee time to ask for Council's authorization to submit a request to Portage County for the advance of property tax receipts.
9. Rhonda Hall has requested Finance Committee time for Council's consideration of a 2020 Budget Appropriations Amendment.

MOTION TO APPROVE ITEMS #1-9 OF THE CITY MANAGER'S REPORT made by Mr. Amrhein, seconded by Ms. Rosenberg, and CARRIED by a voice vote of 9-0.

Standing Committees/Legislation

1) Committee of the Whole:

MOTION TO APPROVE MEETING MINUTES of October 7, 2020 made by Mr. Amrhein seconded by Mr. Turner, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

NO RECOMMENDED ACTIONS TO APPROVE

2) Community Development Committee:

NO MEETING MINUTES OR RECOMMENDED ACTIONS TO APPROVE.

3) Streets, Sidewalks and Utilities Committee:

NO MEETING MINUTES OR RECOMMENDED ACTIONS TO APPROVE.

4) Health and Safety Committee:

MOTION TO APPROVE MEETING MINUTES OF October 7, 2020 was made by Mr. Amrhein SECONDED by Mr. DeLeone, and CARRIED by a voice vote of 8-0-1, with Ms. Wallach abstaining.

Ordinance 2020-97 on mass gatherings was approved at the special council meeting held on October 7, 2020.

5) Land Use Committee:

MOTION TO APPROVE MEETING MINUTES OF October 7, 2020 was made by Mr. Ferrara SECONDED by Mr. DeLeone, and CARRIED by voice vote of 8-0-1, with Ms. Wallach abstaining.

MOTION TO APPROVE THE LAND USE COMMITTEE ACTIONS ITEM made by Mr. Ferrara SECONDED by Mr. DeLeone and CARRIED by a voice vote of 9-0.

- 1) Authorize the vacation of the unused street right of way.

Draft No. 2020-98 AN ORDINANCE AUTHORIZING THE VACATION OF A PARCEL OF CITY OWNED LAND KNOWN AS A "PAPER" STREET AND KNOWN AS WHITEWOOD DRIVE OFF OF ADRIAN AVENUE, AND DECLARING AN EMERGENCY, was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Sidoti, seconded by Ms. Shaffer Bish. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-98 made by Mr. DeLeone and seconded by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-98 PASSED as stated by Clerk Wilkens.

6) Finance Committee:

MOTION TO APPROVE THE FINANCE COMMITTEE MEETING MINUTES OF October 7, 2020 made by Mr. DeLeone, seconded by Mr. Kuhar, and CARRIED by a voice vote of 8-0-1 with Ms. Wallach abstaining.

MOTION TO APPROVE THE FINANCE COMMITTEE ACTION ITEM made by Mr. DeLeone, seconded by Mr. Sidoti and CARRIED by a voice vote of 9-0.

Recommended Actions:

- 1) Approve the submission of the proposed projects for OPWC funding consideration.
- 2) Authorize the staff to proceed with the electric vehicle grant request and if the grant funding is approved, authorize execution of the grant agreement and appropriation of the grant funding.
- 3) Authorize the surplus City property sale.
- 4) Approve the 2020 budget appropriations amendments.

Draft No. 2020-99 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT TWO (2) FUNDING APPLICATIONS TOTALING \$1,195,000 AND TO EXECUTE THE SUBSEQUENT AGREEMENTS WITH THE OHIO PUBLIC WORKS COMMISSION (OPWC), AND TO ACCEPT THE GRANT, IF AWARDED, WITH CORRESPONDING APPROPRIATION OF FUNDS AND DECLARING AN EMERGENCY. AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar, seconded by Mr. DeLeone. On Roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT NO. 2020-99 made by Mr. Kuhar and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. Amrhein, Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms.

Shaffer Bish, Mr. Sidoti, Mr. Turner and Ms. Wallach. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-99 PASSED as stated by Clerk Wilkens.

Draft No 2020-100 AN ORDINANCE AUTHORIZING THE CITY OF KENT TO SUBMIT A GRANT FUNDING APPLICATION REQUEST FOR \$30,000.00 TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY (OEPA) AND TO ACCEPT THE GRANT, IF AWARDED, AND EXECUTE THE SUBSEQUENT GRANT AGREEMENT WITH CORRESPONDING APPROPRIATION OF FUNDS, FOR THE "LEVEL 2 ELECTRIC VEHICLE CHARGING STATION GRANT," AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-100 made by Mr. DeLeone and seconded by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Turner and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-100 PASSED as stated by Clerk Wilkens.

Draft No. 2020-101 AN ORDINANCE AUTHORIZING THE SALE AT PUBLIC AUCTION OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES BY A LIVE AUCTIONEER PURSUANT TO SECTION 721.15 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Ms. Rosenberg. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-101 made by Mr. Kuhar and seconded by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Turner and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020- 101 PASSED as stated by Clerk Wilkens.

Draft No. 2020-102 AN ORDINANCE AMENDING ORDINANCE NO. 2019-139, THE CURRENT APPROPRIATION ORDINANCE, PASSED DECEMBER 18, 2019; SO AS TO ADJUST APPROPRIATIONS, TRANSFERS AND ADVANCES FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2020; AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Ferrara and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms.

Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-102 made by Mr. Kuhar and seconded by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Turner and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-102 PASSED as stated by Clerk Wilkens.

Draft No. 2020-103 AN ORDINANCE ACCEPTING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE RIGHT OF WAY AGREEMENTS FOR THE PURPOSE OF OBTAINING TEMPORARY AND PERMANENT EASEMENTS FOR THE CONSTRUCTION OF THE SOUTHWEST SANITARY PUMP STATION PROJECT, AND DECLARING AN EMERGENCY was read by title only by Clerk Wilkens per Mayor Fiala's request.

MOTION TO SUSPEND THE THREE READINGS made by Mr. Kuhar and seconded by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

MOTION TO ADOPT DRAFT No. 2020-103 made by Mr. Kuhar and seconded by Ms. Shaffer Bish. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Mr. Kuhar, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Turner and Mr. Amrhein. The Motion CARRIED by a roll call vote of 9-0.

ORDINANCE 2020-103 PASSED as stated by Clerk Wilkens.

Special Committees Report: NONE

Unfinished Business:

Mr. Sidoti commented he appreciates weekly updates from Police Chief Shearer and would like similar updates regarding the status of the building of the new City Administration Building. He would like a report, perhaps monthly on where the process stands, the timeline and projections of the project. Ms. Baker said she would report back at the next meeting and would be able to report to Council monthly or biweekly. She added that just yesterday asbestos was removed from the old police station. Mr. Sidoti thanked her for the update.

New Business

MOTION TO MOVE INTO COMMITTEE A DISCUSSION ON MANDATING MASKS was made by Ms. Wallach and SECONDED by Ms. Shaffer Bish. A lengthy discussion followed regarding whether the City had the legal authority to enforce this mandate.

Ms. Wallach said people are not wearing masks as they should and the County is at a Red Level through the Governor's Office.

Mayor Fiala asked if she wanted to make it a motion and she said yes, she was explaining her motion.

Comments; Ms. Wallach said things are getting worse and everyone is getting Covid fatigue and becoming more relaxed with their safe guards. Ms. Shaffer Bish added she is concerned about waiting until the next meeting to discuss this. She said the issue should be immediately referred to Community Development to talk to landlords to make sure they know this is the law. She believes it should be enforced. She supports the motion but does not think it can wait until the discussion on a penalty.

Mr. DeLeone asked if there wasn't already a mask mandate from the governor and asked what good it would be to have one for the City and the Governor. Several members clarified we already passed a mask mandate. He asked how many times they would need to put a mandate in place unless they put something behind it and start fining people.

Mr. Sidoti said a mandate was already passed in July but no enforcement was passed with it. They passed the mandate already so the question goes back to the conversation about having any mandate they wish, but if there is no enforcement and people aren't following the mandate he asked if it does any good. He added that the management of the place in question need to be held accountable. He said the motion was for a mandate and we already have a mandate.

Mayor Fiala asked Clerk Wilkens to read the motion. Clerk Wilkens read "A motion to move to Committee a discussion on mandating masks". Ms. Wallach said the motion was suppose to be FINES for those not wearing masks and Ms. Shaffer said that is what she seconded.

Mr. Turner added the mask mandate has already been done and the issue is now enforcement capabilities. He questioned the ability of owners of property to become responsible the enforcement. Ms. Wallach added they are not talking right now about the solution but rather moving it to be discussed in committee. Mr. Turner said first it should be discussed with Hope (Jones) and Joan (Seidel) the ability to enforce this and whether owners of property or businesses are able to enforce compliance. He said they have already moved beyond the issue of masks and now have to talk about enforcement.

Mr. Kuhar added that enforcement should be discussed with Hope (Jones) and it would be ridiculous to expect landlords to be responsible for this.

Ms. Shaffer Bish added it all depends on the definition of a public place. If rental property is defined as a private place, then Mr. Kuhar may have a point. It is something that needs discussed in the Committee with Hope (Jones) and get her feedback. She said maybe a clarification is needed in the mask mandate on public property.

Ms. Wallach said the motion was to discuss enforcement with some type of penalty the current mask mandate. The idea is to put it into Committee to discuss it with Hope, Joan and what can be done about it.

Mr. Ruller added there have been multiple meetings between the City, Kent State University and property management companies about this issue. Ms. Hope Jones has looked at this pretty thoroughly already and a lot of these points are legal matters concerning civil liberties. Ms. Jones presented her findings regarding how far legally it can be taken in regards to mass gatherings. This was hoped to be in place before Halloween but it did not pass with emergency so the ordinance is not in effect for 30 days. Mr. Ruller said Council could reconsider that motion and if there are enough votes for an emergency, the citation for more than ten in a gathering would be in effect immediately. The language in that ordinance could include the property owner if they are purposely telling residents not to wear masks. Because it did not have seven votes, it

would not go into effect until November. He said if they are anxious to do something, they could reconsider this vote to pass with an emergency so it would be in effect in time for Halloween.

Mayor Fiala called for a vote to be taken on the motion on the floor.

The MOTION FAILED with Ms. Wallach and Ms. Shaffer Bish being the only members voting in favor of this motion.

Ms. Hope Jones added that for a motion to reconsider the mask gathering ordinance, a person who voted in favor of it has to make the motion to reconsider.

A MOTION TO RECONSIDER THE MASS GATHERING ORDINANCE (2020-97) was made by Ms. Shaffer Bish and SECONDED Mr. Sidoti.

Discussion: Mr. Kuhar said he would oppose it as he did the first time. By altering this more than before, it excludes everybody in Kent except the fraternity houses and believes the Constitutional Law Firm in Columbus will file a lawsuit.

Mr. Ferrara said he was not sure what they are attempting to do in this procedure.

Ms. Hope Jones explained when there is an ordinance where some people vote yes and some people vote no, at the next meeting any member who voted in favor of passing is allowed to ask for a reconsideration of the ordinance. When they do so, it is debatable and can be discussed and voted on again.

Mr. Ferrara added this sounds like procedural chicanery and if they want to have a committee meeting again about it they should. This was discussed during last committee and a motion was made which passed and it feels like a knee jerk reaction which he does not like.

Mr. Sidoti clarified that since it was not passed with an emergency clause, it will automatically go into law on November 7, 2020, and all Council is doing is trying to get it "on the books" before Halloween.

Mr. DeLeone added he thinks they are voting again because there was an absence of a member last time and that person will give the seventh vote needed for an emergency.

Mr. Turner said this is not chicanery but the rule and something that is not employed often but is available to do if Council wants to expedite the process. He hopes there would be seven votes to pass to put this as a tool in the City's toolbox to help safeguard the public's general health and well-being. He also believes Ms. Wallach's motion regarding enforcing masks needs to be put back into Committee discussion.

Ms. Shaffer Bish said she is disappointed that the ordinance was not in effect as she thought is passed and was. She said right after the last meeting there were three parties in her neighborhood, all three of which could have violated the ordinance.

Ms. Hope Jones added that Roberts Rules of Order state a 2/3 vote is needed to pass an ordinance with emergency and City Council Standing Rules require $\frac{3}{4}$ vote, so it would have passed with emergency using Roberts Rules. As a side note, Council may want to revisit this issue.

Mr. Ruller said there are a couple of walk arounds planned in the neighborhoods knocking on doors to educate the community on safety.

Mr. Ferrara said this was discussed in Committee two weeks ago, the motion was made and now we are trying to pass it with emergency. Ms. Hope Jones stated it is a reconsideration vote. Mr. Ferrara asked what the difference is between that and a second reading.

Ms. Hope Jones explained when Council votes to suspend the rules, that is for suspending the three readings. When that passes, Council can then vote on it. A reconsideration is when something has already passed regardless of the number of readings (or even failed) and someone who voted on the prevailing side wants to reconsider, that is what is being done tonight. This is not in regards to Ms. Wallach's previous motion. The administration is asking about passing the mass gathering ordinance with emergency. It will be two separate votes, one to reconsider and a second vote to pass it.

Mr. Turner added Council has a chance to implement this tonight with an emergency.

Mr. Kuhar added no matter what is done tonight it is written with a poison pen with all of the violations of Roberts Rules and Council's rules and will probably not legally count. Mayor Fiala said he was not so sure of that.

On Roll Call voting "Yes" to reconsidering the mass gathering ordinance: Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. Voting "No" Mr. Kuhar The Motion CARRIED by a roll call vote of 8-1.

MOTION TO SUSPEND THE THREE READINGS made by Ms. Shaffer Bish and seconded by Mr. Sidoti. On roll call, voting "Yes": Mr. DeLeone, Mr. Ferrara, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Mr. Turner, Ms. Wallach, and Mr. Amrhein. Voting "No" Mr. Kuhar. The Motion CARRIED by a roll call vote of 8-1.

MOTION TO ADOPT DRAFT No. 2020-97 made by Ms. Wallach and seconded by Mr. DeLeone. On roll call, voting "Yes": Mr. DeLeone, Ms. Rosenberg, Ms. Shaffer Bish, Mr. Sidoti, Ms. Wallach, Mr. Turner and Mr. Amrhein. Voting "No": Mr. Ferrara and Mr. Kuhar. The Motion CARRIED by a roll call vote of 7-2.

ORDINANCE 2020-97 PASSED with an Emergency Clause as stated by Clerk Wilkens.

Mayor Fiala said other cities such as Cleveland who proposed ordinances for fines for masks aren't being supported and no one is being fined.

Mayor's Report:

Mayor Fiala reminded all about Trick or Treating happening on Sunday from 3-5pm. Those who want can participate and asked all to use common sense.

The Regular Meeting adjourned at 8:36 P.M.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Wilkins, Amy <wilkinsa@kent-ohio.org>

Invitation: CITY OF KENT OHIO October 21, 2020 Regular Council Meeting @ Wed Oct 21, 2020 7:30pm - 9:30pm (EDT) (samanthawlyer314@gmail.com)

samanthawlyer314@gmail.com <samanthawlyer314@gmail.com>

Tue, Oct 20, 2020 at 8:23 AM

To: wilkinsa@kent-ohio.org

Here is what I plan to say

" Hi my name is Samantha, and I live in a densely packed apartment building near Kent State University. The Proceedings of the National Academy of Sciences (PNAS) found that requiring people to wear masks in epicenters of new coronavirus cases may have prevented tens of thousands of infections from covid. The people who live in my apartment building are a mixture of University students, elderly, and people with disabilities. Despite having signs up that masks are required in the building, the majority of residents refuse to follow these guidelines. After Portage county went up to a level 3 red zone, the City Council of Kent passed an ordinance to issue civil fines to people participating in unauthorized gatherings of over 10 people. While I greatly appreciate what the city of Kent has done to control the spread of this virus, more and more research is coming out to conclude that "airborne transmission" may be "the dominant route for infection" from the new coronavirus. I am here today to ask that the Kent City Council please consider passing a similar ordinance to the one they passed on issuing civil fines to unauthorized gatherings, to also issue civil fines to adults who chose not to wear a mask in public spaces.

This isn't about wanting to fine people, but as someone who has to walk through hallways and take elevators every day that people are crowding into without masks, this about public safety. I am a graduate student with a disability, who at some point during the winter break needs to go home and see my doctors or I risk losing the medications I need to be healthy. I am scared to go back home and stay with my aging parents who have their own medical issues, due to the careless disregard of others who live in the same apartment building, who made it clear that they won't listen to signs or public health experts. Mandating masks without any consequence for violations has not worked. All I want is to stay safe, keep my parents safe, and keep those in our community who are more vulnerable safe."

Thank you.

On Oct 15, 2020, at 3:54 PM, wilkinsa@kent-ohio.org wrote:

[Quoted text hidden]

<mime-attachment.ics>

<invite.ics>

Attachment #1



Wilkens, Amy <wilkensa@kent-ohio.org>

Tonight's council meeting

Christopher Myers <kitmyers23@yahoo.com>
To: Amy Wilkens <wilkensa@kent-ohio.org>

Wed, Oct 21, 2020 at 3:54 PM

21 October 2020

Hi Amy!

For the record:

Ex-clerk Grimm wrote in the minutes of a council meeting that I was insulting and vulgar for using the word asinine to describe a comment by Garret Ferrara. At the next month's meeting Council agreed by a vote of 6 yes, 1 abstention, 2 absent, that I was vulgar when they passed those minutes. Councilman Robin Turner later used the word asinine and he was not written up in the minutes as being vulgar. Why is that? We used the same word. OH! Grimm told me later that asinine means foolish. What might that tell you?

Ex-clerk Grimm wrote in a police report against me, among other things, that I was stalking her. According to a conversation I later had with Mayor and Mrs. Fiala when I ran into them one morning at Eddy's restaurant, Grimm one morning accused both of them of stalking her. Why no police report? We were accused of the same thing by the same person.

Councilperson Shaffer's comment in Grimm's police report against me was "I too have felt targeted and harassed by Mr. Myers and have stopped responding to him. He has not yet appeared at my home, but I expect he will some day." She provides no documentation as to why she feels targeted by me and I have brought the subject up in subsequent meetings. So, Heidi, why do you feel targeted by me?

City Manager Ruller wrote in Grimm's police report, "FYI, please be advised that Mr. Meyers (sic) is out protesting on the corner of Depeyster and Haymaker Parkway this afternoon." At a later meeting he admitted that he didn't even know what I was protesting. Included with his comment is a photograph of me taken from the new police station standing there with a sign. I was told by Chief Lee that it was not taken by any police person. Grimm stated in the police report against me, "4/6/18 picketed office building." As her office had been moved there, I suspect that she took it but no one on council will say. On 4/6/18 I was unaware that her office was no longer in the Fire Station. Did she think I was standing there holding a sign making up bad things about her?

I am allowed to picket. If peaceful protesting is not allowed in Kent, why didn't Ruller turn in any Black Lives Matter protesters? Not only does turning in a citizen to the police for doing something perfectly legal, and knowing that it is legal, constitute nothing short of conscious intimidation, it is perhaps the even more grievous sin, the sin of bearing false witness.

Read Grimm's police report. There is a lot in there that is perfectly legal, and there is a lot that is patently untrue. Council refuses to publicly discuss it with me. The Code of Silence. And that, ladies and gentlemen, is why I continue to ask questions and inform the public. I have all of this documented.

Council's behavior is known as protecting the organism, honesty and truth be damned!

Amy, I will not be participating in this evening's meeting. My blood pressure is up and I am going to chill out reading Louis Bromfield's novel "McLeod's Folly" and listening to a little Brahms. If you are into this sort of thing, check out his "Hungarian Dances" sometime.

Oh! Would council care to try to do something to stop the loud music and booming sub-woofer boys from disturbing the peace at all hours while they drive around town. My whole neighborhood is really upset about this. The police seem unable to do anything about it. There are research studies on the internet concerning the effects of low-frequency sound waves on the human body.

Chris

Christopher M. Myers
220 E. Elm Street
Kent OH 44240

DRAFT

Attachment #2

**THE CITY OF KENT, OHIO
PUBLIC HEARING- CDBG-CV
WEDNESDAY, NOVEMBER 4, 2020**

At 6:55 p.m., Mayor Jerry T. Fiala called the Public Hearing to order. Roll call was taken.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; Ms. Suzanne Stemnock, Human Resource Manager, and Ms. Amy Wilkens, Clerk of Council.

NOT PRESENT: Ms. Tracy Wallach

Ms. Bridget Susel introduced the second of two required public hearings to take public comment and discuss the third round of CARES Act funding, known as Corona Virus CDBG. The City of Kent is planning on using the funding with the same programs it did with round one, which is small grant relief to businesses downtown and to provide funding to Kent Social Services for the food pantry and meal delivery to persons at risk of COVID.

Seeing as there were no members of the public on the meeting, Mayor Fiala adjourned the Public Hearing at 6:57 p.m.

Amy Wilkens
Clerk of Council

Jerry T. Fiala
Mayor and President of Council



Committee of the Whole Meeting Minutes
The City of Kent, Ohio
Wednesday, November 4, 2020

Mayor Fiala called the Committee of the Whole of Kent City Council to order at 7:00 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; Ms. Suzanne Sternock, Human Resource Manager, and Ms. Amy Wilkens, Clerk of Council.

GUESTS ATTENDING: Mr. Faiaz Abdurrahman, Boy Scott Troup 252; Mr. Bill Steiner, Director, Portage County District Recycling

There was one (1) item on the Agenda.

1. Board and Commission Applications

Mayor Fiala introduced the meeting topic of the review of applications for Boards and Commissions and asked Clerk Wilkens to read the applicant names for Council to discuss in Executive Session.

Ms. Wilkens referenced the first memo in the City Manager packet which covers the Boards and Commissions applicants. The first round of applicants were for the Architecture Review Board, Civil Service, Income Tax Review Board, Fair Housing Board, and Loan Review Board. The packet contained applications for those boards. Most of the applicants are seeking reappointment except there being one new applicant for the Fair Housing Board and an add on late application to replace a member for the Loan Review Board. Mike McClure is the third applicant for the Loan Review Board, who is realtor in Kent and is applying to replace Dennis Eberhart who passed away in September.

Mr. Kuhar asked if Hope Jones had a chance to review an email from him regarding the description in the literature stating a realtor is needed, adding it should read "real estate agent". Ms. Jones had not reviewed his email prior to the meeting. Mr. Kuhar said that a realtor is a designation of an organization and it should read licensed real estate agent. Ms. Jones replied the applications will be reviewed to ensure that the person is a licensed real estate agent.

Mr. Turner asked about expanding minority applicants participating on boards and if any sources have been identified to get information to regarding vacancies.

Mayor Fiala said this is a great point and asked Mr. Turner to compile a list for Clerk Wilkens to get the information sent to specific organizations. Mr. Turner said he would be happy to do so.

Ms. Shaffer Bish asked how we would know if someone is a minority. There was a long discussion previously about whether this question can be put on the application and was not aware of a resolution to this question.

Mr. Turner replied that would be a difficult road when requesting applicants to list their race or identify self. He added recruitment is key in this area so that people apply. He prefers this method rather than have

applicants self-identify. He said eventually applicants will be invited back to the meetings to interview in person

Ms. Hope Jones said a section could be placed on the applications to indicate optional items the applicant could provide, such as race, ethnicity, etc. She added she has been with the City of Kent over three years and has witnessed the Administration going out of their way to recruit but said these are Council appointees and the Administration needs Council Members to go out in the community and reach out to constituents to help find people to fill the need. She asked for Council's assistance in finding and recruiting people in the community.

Ms. Bridget Susel added Community Development has a list of Churches, and non-profits they use to recruit volunteers for the Fair Housing Board. They also advertised at Kent State. She added it did not result in any applicants but they do have a list compiled of emails.

Mr. Turner added that Hope Jones made a valid point and he will try to do a better job of acting to get the information out and ask organizations for participation. He will try to do more outreach to the community to get greater participation.

Mr. Kuhar added there should be a marketing plan and Council should be searching for the best candidate.

There were no further discussion items regarding Boards and Commissions.

Mayor Fiala introduced a special guest to the Council Committee meetings, Faiaz Abdurrahman from Boy Scott Troup 252. Faiaz Abdurrahman said it was nice to meet the members of Council and that he was here because he is doing the Citizenship and Community Merit Badge. He is required to attend a School Board meeting, a Council Meeting, or Municipal, State or County session. He then must choose an issue discussed and state which option is the best in his opinion. Mayor Fiala welcomed him aboard and congratulated him on his efforts and thanked him for attending.

Seeing no further business or questions for this committee, it adjourned at 7:15p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

- 1) N/A



Streets, Sidewalks and Utilities Committee
Meeting Minutes
The City of Kent, Ohio
Wednesday, November 4, 2020

Chair Sidoti called the Streets, Sidewalks and Utilities Committee of Kent City Council to order at 7:15 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; Ms. Suzanne Sternock, Human Resource Manager, and Ms. Amy Wilkens, Clerk of Council.

GUESTS ATTENDING: Mr. Faiaz Abdurrahman, Boy Scott Troup 252; Mr. Bill Steiner, Director, Portage County District Recycling

There were two (2) items on the Agenda.

1. **Kent Multifamily Recycling Contract Expiration**

Mr. Ruller started by saying the multifamily recycling program has been going on for years and has not always been smooth. He welcomed Bill Steiner and Melanie Baker to the conversation who have been trying to work through the operational issues being discussed. They are asking the multifamily recycling contract to expire and let the property owners set up their own recycling.

Melanie Baker said early last year they learned of changes to acceptable recyclable materials and contamination. She said Portage County was gracious enough to continue to collect all items which included, glass, plastics and certain cardboard. They however are still affected by contamination issues, seeing up to 40% in multifamily recyclables incurring additional dumping fees. Fees are expected to increase exponentially by next year, which would be passed on to customers. She added single family is still doing very well and thanked residents. There are six to eight current multifamily residential facilities they are trying to educate residents on appropriate recyclables and unfortunately have found recyclables too contaminated, which results in the resident needing to call their trash hauler. There are eight other multifamily units that no longer participate in the program by court order. There are four other units that no longer have dumpsters.

Mr. Bill Steiner said they are in the final stages of the new processing contract with Waste Management and the contamination level is capped at 21%. They feel the multifamily and drop offs are hurting that number by 4-5%. At 21% there will be additional charges incurred for contamination. Overall, the curbside residents are doing a fantastic job. Neighboring communities have a much higher contamination rate than Portage County. He added if they have contaminated items, they do not go to a landfill but rather go over to Akron for processing. Portage Recycling is taking these steps to protect the residents and the rates. They are separating out the multifamily units who will pay their share for contamination which will shield residents from paying unnecessary fees.

Ms. Shaffer asked multifamily to be defined. Melanie Baker said it is defined for recycling as being three or more people in the household where trash is four or more. That is one thing that will need to be updated in

the future to align with one another. Ms. Shaffer asked if this needs to be updated this evening. Ms. Baker added they will be following the current ordinance and the list on file and notifying the 85 units on the list. Any other changes needing to be done will be defined and presented to Council in either December or January.

Mr. Kuhar stated that moving multi family over to private recyclers does nothing to clean up the recycling and that the trash haulers will have the burden. He asked what is to keep multifamily units from putting recyclables in their dumpster. Ms. Baker added Kent's Ordinances require recycling and will continue doing periodic checks working with the Health Department. Haulers are supposed to be notifying the City on what they do recycle. Future ordinances will give the City more "teeth" to get compliance in recycling. Mr. Kuhar asked why landlords couldn't be held responsible. Ms. Baker said she would like to work with the Law Director on this to make sure the City's actions are on solid ground should that be an option they would like to utilize.

MOTION FOR AN ORDINANCE APPROVING THE RELEASE OF PORTAGE COUNTY RECYCLING CONTRACT AT THE END OF THE YEAR FOR MULTIFAMILY UNITS made by Mr. DeLeone, **SECONDED** by Ms. Shaffer Bish.

Comments from Council:

Mr. DeLeone said he agreed with the action needed. Ms. Shaffer Bish added she is disturbed there is such a high contamination rate but this is a measure to protect citizens from higher prices. She said it is the right thing to do at this point with the contamination rate as high and the dumping rates increasing. She thanked Ms. Baker and Mr. Steiner for these proactive steps.

Mr. Kuhar said if we are going to protect the burden against citizens that is good but the big picture is they haven't really solved the problem for the environment.

THE MOTION CARRIED by a voice vote of 9-0.

2. Update on the City's 2020 Capital Projects

Mr. Ruller introduced Mr. Jim Bowling and his presentation on the 2020 Capital Projects. The Project Update and the Capital Improvement Plan are typically presented at the same time, which is the case tonight. The 2020 review of projects is a good lead into the 2021 Capital Plan.

Mr. Bowling began his presentation (**Attachment #1**) by stating there have been a few good things about the year 2020 and he will be reviewing these accomplishments along with updating all on a few projects coming in 2021.

He started with reviewing the first project which is the repair of primary clarifier #2 in the Water Reclamation Facility. This clarifier was damaged when it was put into use and the end of 2019. Construction on this started in July 2020 but there is a four-month lead time on the production of the equipment needing to be replaced. It should be completed by October 2021 and needs to be completed before any problems occur in primary clarifier #1. It is critical project in regards to the environment, specifically in regards to water goes out into the Cuyahoga River.

The next project was the paving of State Route 59. He reviewed the information on the slides and added collaborating with AMATS proved to be important because after the road was milled it was seen the base under the surface was not in good condition. ODOT Leveled the road immediately which made it look finished and then cut it up which led to several comments from residents. Mr. Bowling said they did not fix all of the areas that were bad, as it would have taken \$1 million additionally, so this will need to be reviewed and fixed in seven to ten years when repairs on the road will be done again.

The third project was the annual street and sidewalk program in which twelve streets and neighborhoods were repaired and roads will be seal-coated in 2021. The roads done were predominately done in the NE section of Kent, as there is a seven-year rotation and this year the rotation was in the NE section. The resurfacing of Mogadore Road was bid out late in the year and the actually repaving will be completed this week. He added the bid prices were extremely low, about 30% less than the estimate. The last time bids were seen as low was during the Great Recession back in 2009-2012 especially in the market of oil products such as asphalt.

Mr. Bowling updated Council on the Pilot Sidewalk Programs that were approved in the Spring of 2019. These were put in place to give some property owners control over when the work would be done. Before the program, they had the choice of doing the work themselves or waiting for the City to come and complete the work. The two new programs were the sidewalk request program and the sidewalk owner reimbursement program. There were seven owners who participated in these programs this year and there was a positive response from every owner.

The new Administration Building was next and he explained asbestos removal of the old police station is in process and needs to be completed before the demolition of the building. Most utility services have been disconnected. Some of the utilities actually come from the fire station which causes a small problem when trying to disconnect services. Bids are expected early 2021 for the demolition and site clearing plans. The Planning Commission will be reviewing plans in the next step and bids should be placed in 2021.

North Water Street Improvements have moved forward with the scope of the work including safety improvements along the corridor and improvements to make it more walkable.

Mr. Kuhar asked if the diagonal parking would be at more of an angle to help with backing out of spots. Mr. Bowling said it would be at a 45-degree angle to help maximize the ability to see. Mr. Kuhar asked how it compared with Main Street's angle. Mr. Bowling said the Main Street angle is a little less than 45 degrees. He added the key to making it safer was to keep traffic moving slowly. ODOT is funding 90% of the safety improvements which is about 80% of the project.

Mr. Bowling added construction on this project started a little later than planned this year which will lead to a small impact over the winter with a break in January and concrete work to start when the weather warms up. Communication will be important for those who live in that area so notices are sent out when things are changing (30 or so residents).

Other projects being worked on include the SR59 Crosswalk, the Traveling Stanza and the May 4th project which are all equally important and part of what makes Kent a great place to live.

Typically, there aren't projects out to bid in October and November, but due to the events of 2020 and the good pricing they are trying to take advantage of that. The Portage Bike and Hike, Brady's Leap Segment will be improving the walkway to help with different types of users of bikes, skateboards, strollers, etc. This will be done with minimal tree clearing and will include access from Gougler Ave.

Another project is off of Lake Street on the Miller, Harvey and Steel Storm Sewer and waterlines. Every two to three years rains cause flooding because the storm sewer is too small and the catch basins are too few to allow for proper water drainage.

Ms. Wallach asked about the project on Miller that was done ten to fifteen years ago and if so it didn't solve this problem. Mr. Bowling said when he arrived thirteen years ago, there was a study done to look at solving this problem and a repair was done to a storm sewer but it did not solve the issue. It has been on the Capital

Plan for the last thirteen years but can be done now that \$800,000 of OPWC funding was received they are now able to do the project.

The East Main Street Improvements Preliminary Design Stage is a large project moving forward. Meetings are being conducted to review the project, and many are excited to see the developed concept of a boulevard.

Ms. Wallach asked if the Starbucks building will be left where it is located. Mr. Bowling said that is exactly what they are looking at this moment. There are two factors affecting Starbucks- fitting the boulevard in on East Main Street and the turning lane on Lincoln. Work is currently being done to see a turn lane is needed and results are pending. The goal is to not do anything to the building and they are working towards that goal.

Ms. Shaffer Bish asked about time. Mr. Bowling said construction will not begin until 2024 due to the amount of work that needs to be done between now and then. There are a lot of nuances that need to be addressed which includes Kent State University projects in this area. Timing of projects is still being discussed and will be determined. Right of way will need to be looked at and temporary easements will be needed along this corridor.

Looking forward to the next five to ten years include the water reclamation facility needs. They have identified the budgetary costs and are included in the presentation. The last time the plant was rehabilitated was 1985 and rehabilitation in the near future they are looking at spreading out costs on multiple projects instead of all at once which will spread costs out at \$1.5 to \$1.8 million per year for capital.

Key endeavors for 2021 include the waste water plant, a strong street and sidewalk program, a CDBG project on Walnut Street as well as getting the Administration Building started. It will be a very busy year.

Ms. Shaffer Bish asked for a prioritized list of street/sidewalk projects. Mr. Bowling said there is a five-year plan that is changed every year that can give a good indication of the focus in the near future.

Hearing no further business before this Committee, the meeting adjourned at 7:58 p.m.

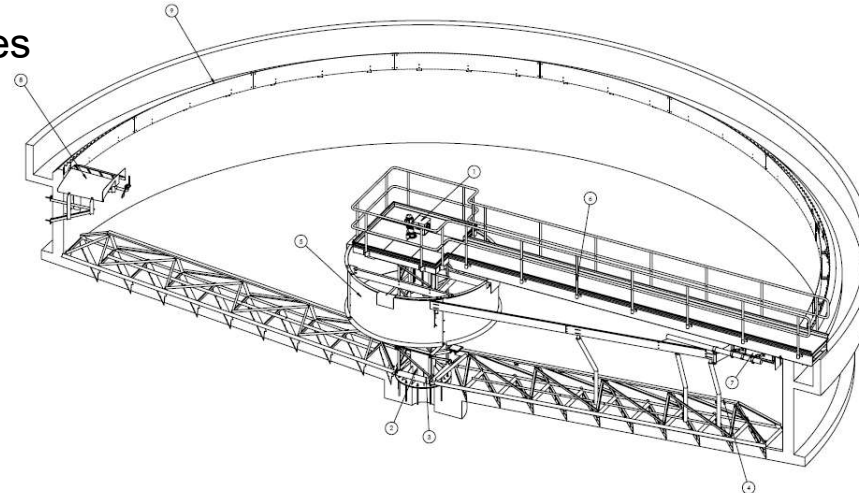
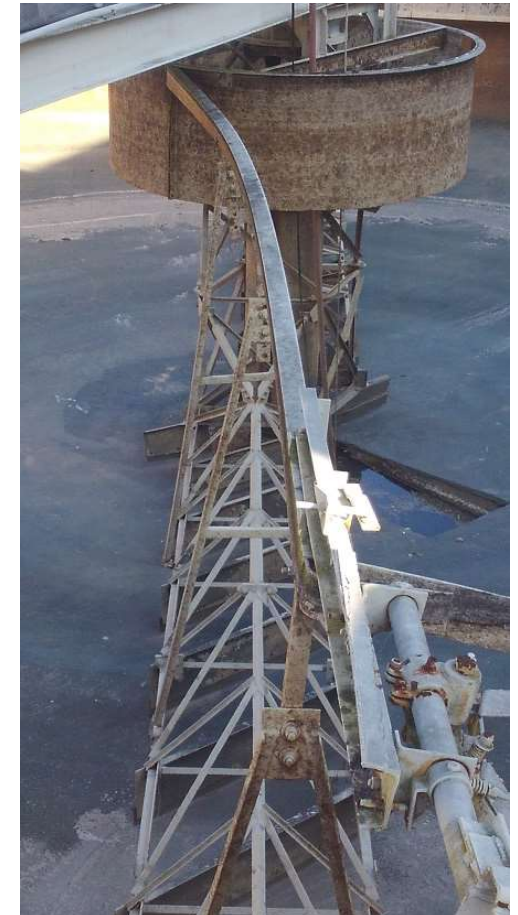
Amy Wilkens
Clerk of Council

ACTION RECOMMENDED: None



WRF - Emergency Rehabilitation Primary Clarifier #2

- WRF – Repair of Damaged Clarifier
- Construction Cost: \$530,000
 - (\$220k from Insurance settlement)
- Construction Start: July, 2020
- Completion: October, 2021
- Issues:
 - Specially designed equipment
 - Long Lead Times



SR 59 Paving

- Project Limits
 - SR 59
 - County Line to Bridge over Franklin St./ Cuyahoga River
 - SR 43 - Southbound
 - Near SR 59
- Scope..
 - Resurfacing
 - Significant Pavement Repairs
 - Handicap Ramp Upgrades
- Construction Cost: \$1.14 million
 - (ODOT/AMATS funded 72%)
- Construction Start – June, 2020
- Completion – September, 2020
- Issues:
 - Pavement Condition after milling



Annual Street & Sidewalk Program

- Pavement Repairs
 - Graham
 - Walter
 - Anna
 - Perry
 - Edgewood
 - Burns Ct.
 - Alley #26
 - Riverside
 - E & W Grant
 - Needham
 - Standing Rock
- Seal Coat to be completed in 2021



Attachment #1

Annual Street & Sidewalk Program

- Sidewalk and Pavement Resurfacing

- Lowell Drive
- Lock Street
- St. Clair

- Resurfacing Only

- Mogadore Road

- (SR 261 to Cherry Street)
- \$270k **(28%↓)**
 - OPWC Funded

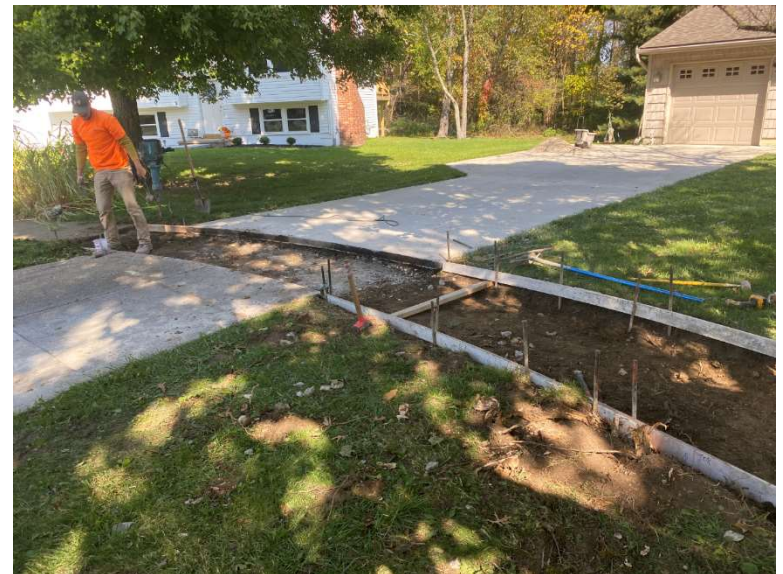
- Completion: November, 2020

Attachment #1



Pilot Sidewalk Programs - Update

- Two New Program Options
 - Sidewalk Request Program
 - Sidewalk Owner Reimbursement Program
- Initiated – Spring, 2019
- Program Budget - \$30,000
- Purpose....Give property owners some control over **“when”** the work



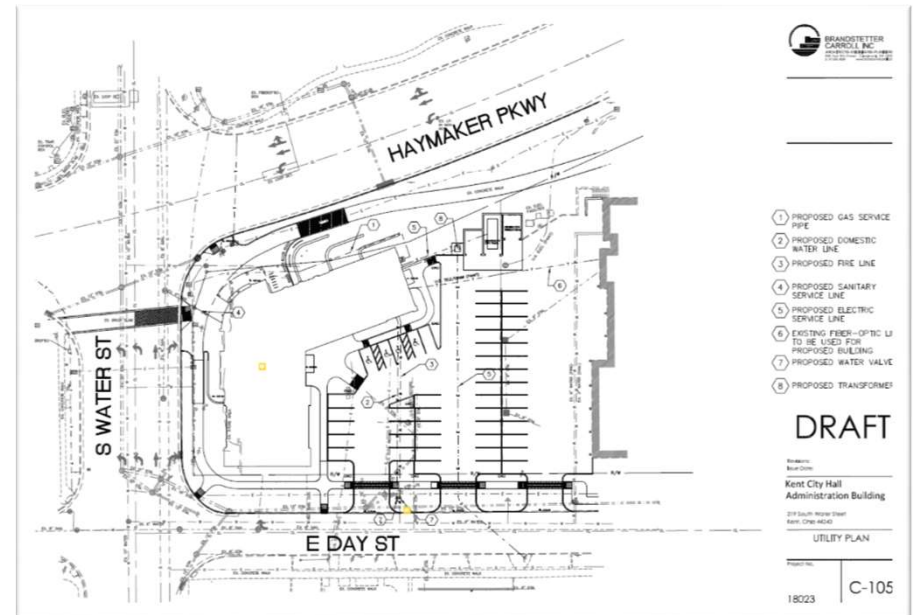
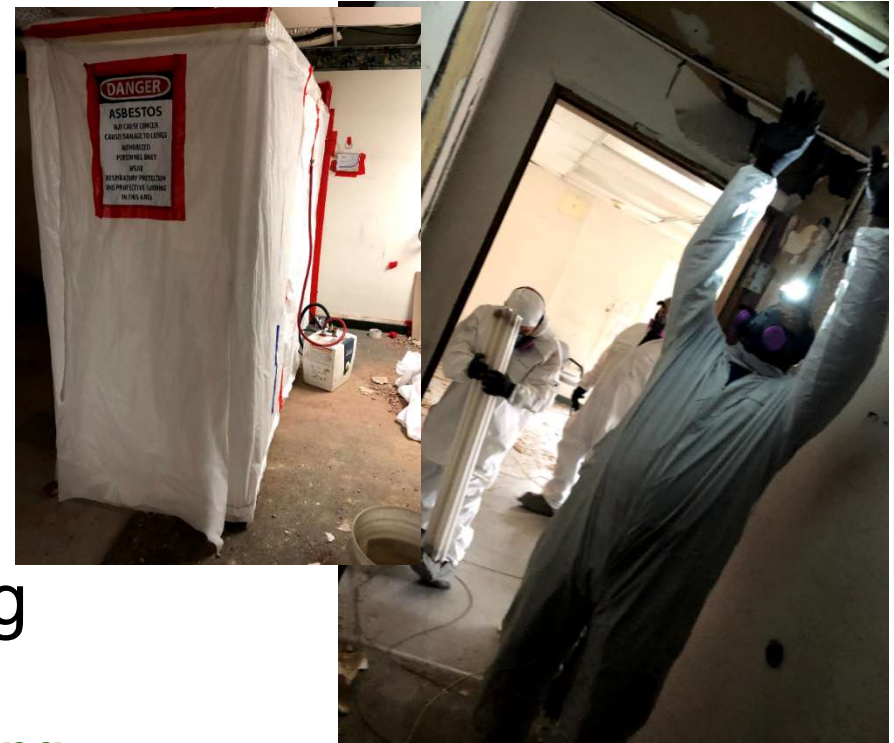
Pilot Sidewalk Programs - Update

- Met with 7 Owners
 - All residential
- 3 of 7 Used the program
 - Sidewalk Request program (1)
 - Sidewalk Owner Reimbursement program (2)
- 1 of 7....Sidewalk was upcoming
- Remaining took the information
- Overall Owner Response – **Positive**
- Issue Remaining:
 - Complaints about sidewalks from non-property owners



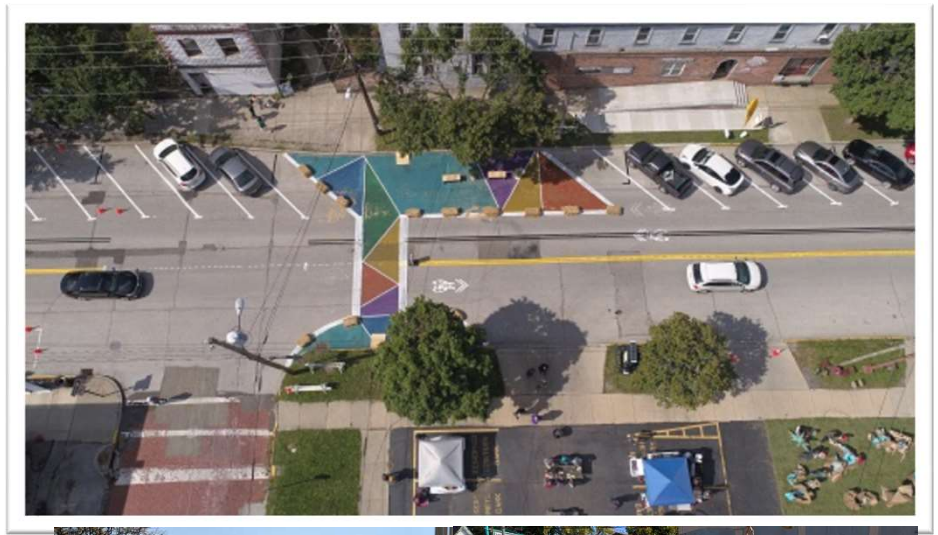
Administration Building

- Building Demolition
 - Asbestos Removal - **Ongoing**
 - Demolition/site clearing plans
 - Issues: Ex. Utility Services
- New Administration Building
 - Design in Progress
 - Prel. Fire/Bldg Review - **Ongoing**
 - Upcoming Milestones
 - Planning Commission
 - Technical Review Processes
 - Fire
 - Building
 - Site layout/Grading
 - Utilities
 - Bidding



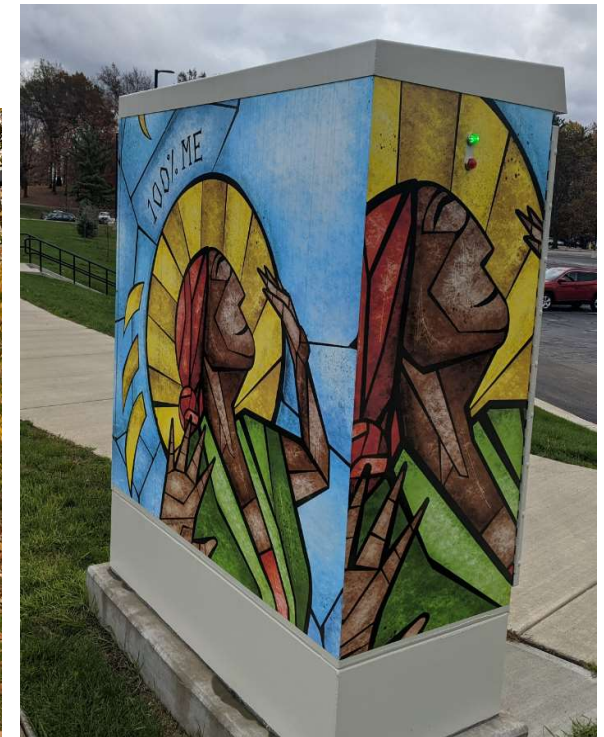
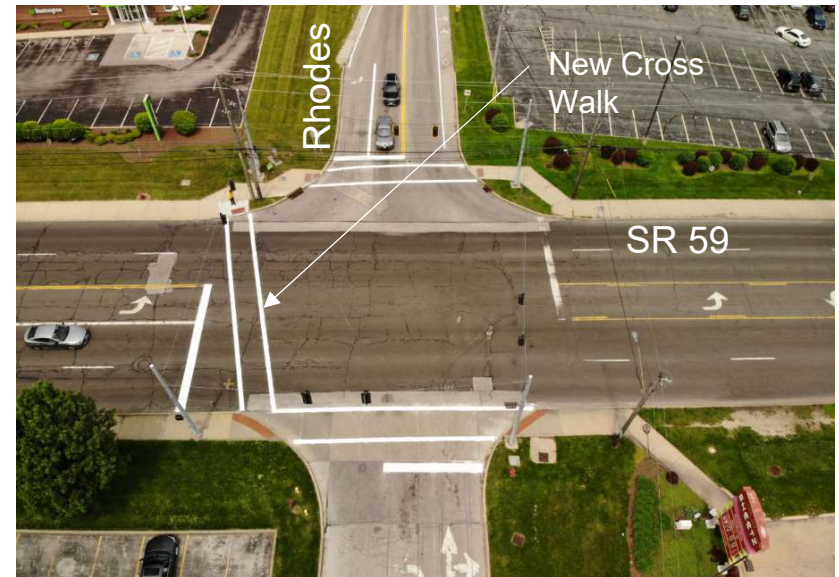
N Water Street Improvements

- Location: Main to Brady
- Scope:
 - Curb Extensions/Cross Walks
 - Reconfigured parking
 - Minor widening/resurfacing
 - Pedestrian lighting
 - Brick Streetscape
- Construction Cost: \$1.43 million
 - (ODOT funded 80%)
- Construction Start – October, 2020
- Completion – June, 2021
- Issues
 - Winter Impacts
 - On-street parking impacts
 - **Communication**



Miscellaneous Items

- SR 59 Crosswalk (w/ Franklin Twp)
- Middlebury Road/Portage H&B Trail Signage
- Summit Street – Traveling Stanzas
- May 4th Stanzas

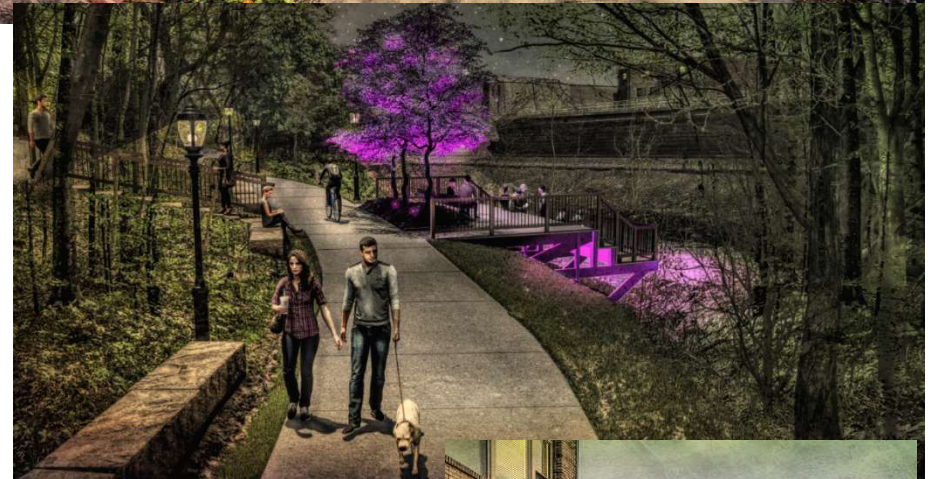
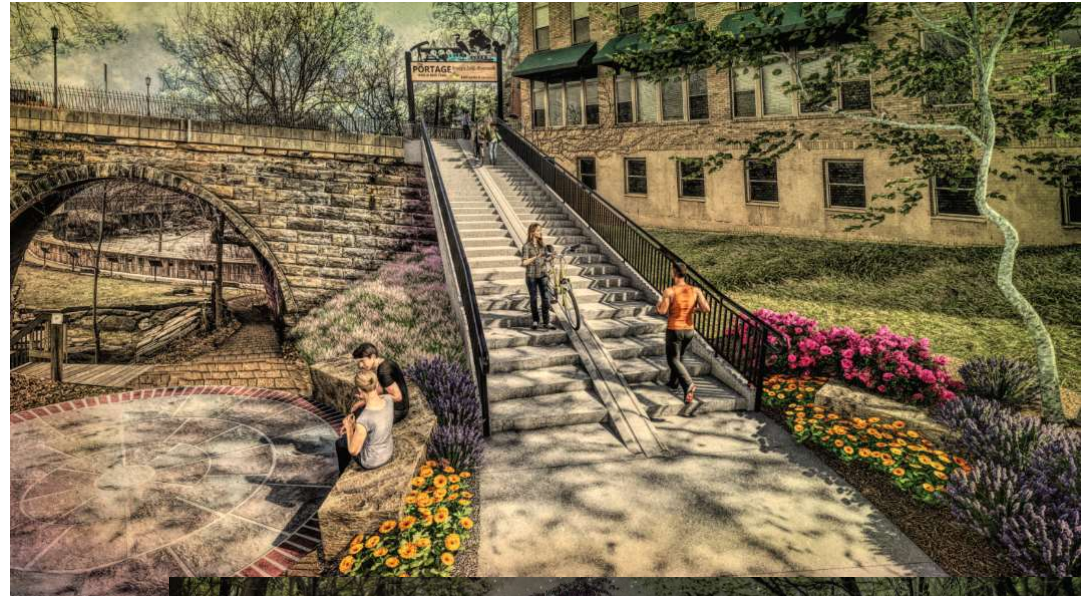


Portage Bike & Hike – Brady's Leap Segment

- Location:
 - Main St to Fairchild Ave
- Scope:
 - Shared use path
 - Install Bike Stair
 - Improved Gougler Access
 - Lighting
 - New Overlook
 - Improved Access to River
- Construction Cost: \$1.4 million
 - (AMATS/ODNR funded 60%)
- Construction Start – March, 2021
- Completion – December, 2021

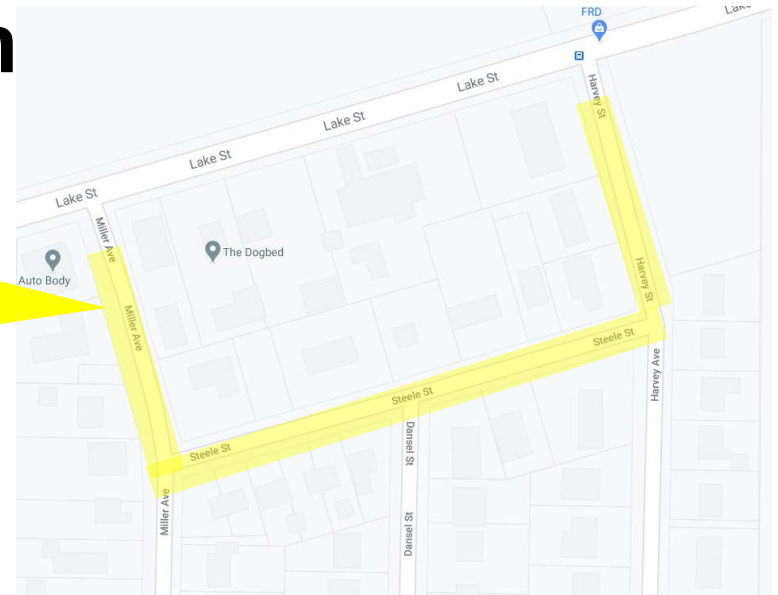
BIDDING

Attachment #1



Miller/Harvey/Steele Storm and Water Improvements

- Location:
- Scope:
 - Storm Sewer Upsizing
 - Waterline
 - Pavement/Sidewalk (Steele)
- Construction Cost: \$1.5 million
 - (OPWC funded 50%)
- Construction Start – February, 2021
- Completion – September, 2021



BIDDING

Attachment #1

East Main Street Improvements Preliminary Design Stage

**Worst Crash Corridor
in Portage and
Summit Counties!**

- From Willow to Horning
- Public Involvement
 - 2 Open Stakeholder Mtgs
 - Mtgs with Property Owners/businesses
- Purpose & Need Approved
- Funding Obtained
- Proposed Concept Developed
- Next...Concept Implementation



Water Reclamation Facility – Upcoming Needs (5 – 10) years

Water Reclamation Facility Needs	Budgetary Costs
Final Clarifiers	\$4.6 million
Heat Digesters	\$4.9 million
SW Pump Station Replacement	\$2.6 million
Motor Control Center Replacement	\$1.0 million
Primary Clarifier	\$0.8 million
Aeration Basins	\$0.5 million
Headworks Renovation	TBD
Total	+ \$14.4 million

- Doesn't include normal capital expenses
- Need **\$1.5 to \$1.8 million** per year for capital
- Annual Sewer Fund Revenue.... **+/- \$4.1 million**

Key Endeavors - 2021

- **Primary Clarifier #2 Emergency Repair**
- **SW Sanitary Pump Station – R/W & Construction**
- **Final Clarifiers – Phase 1 complete design**
- North Water Street – Construction
- Portage H&B – Construction
- Miller/Harvey/Steele - Construction
- Annual Street & Sidewalk Program
 - Harris Street Resurfacing & Concrete Work (OPWC)
- Walnut Street – Phase 1 Construction
- Admin Bldg – Demo/ Finish Design/ Start Construction
- East Main Street...Continue Preliminary Design with Community Engagement

Attachment #1



Finance Committee Meeting Minutes

The City of Kent, Ohio
Wednesday, November 4, 2020

Chair DeLeone called the Finance Committee of Kent City Council to order at 7:59 p.m.

PRESENT: Mr. Jack Amrhein; Mr. Michael DeLeone; Mr. Garret Ferrara; Mr. John Kuhar; Ms. Gwen Rosenberg; Ms. Heidi Shaffer Bish; Mr. Roger Sidoti; Mr. Robin Turner; Ms. Tracy Wallach

ALSO PRESENT: Mr. Jerry T. Fiala, Mayor and President of Council; Mr. Dave Ruller, City Manager; Ms. Hope Jones, Law Director; Ms. Bridget Susel, Community Development Director; Mr. Jim Bowling, City Engineer; Ms. Rhonda Hall, Budget and Finance Director; Ms. Melanie Baker, Service Administration Director; Mr. Gary Bishop, IT Manager; Ms. Joan Seidel, Health Commissioner; Mr. Nick Shearer, Chief of Police; Ms. Suzanne Sternock, Human Resource Manager, and Ms. Amy Wilkens, Clerk of Council.

GUESTS ATTENDING: Mr. Faiaz Abdurrahman, Boy Scott Troup 252

There were four (4) items on the Agenda.

1. Certified Liens to the County for Outstanding Payments

Mr. Ruller said a list of liens to the County is provided every summer and was done again this year but Ms. Bridget Susel has a few more to add to the list.

Ms. Susel added there was cooperation from people on this list over the summer, so they were removed and were given the opportunity to complete the registration required for the rental licensing program. One property owner on the list did bring their properties into compliance, and the other landlord has not responded and fines will be turned over to the County.

MOTION TO CERTIFY AND AUTHORIZE THE SUBMISSION OF THE PROPOSED PROPERTY TAX LIENS WITH AN EMERGENCY CLAUSE made by Mr. Ferrara **SECONDED** by Ms. Shaffer Bish.

Comments from Council:

Ms. Shaffer Bish said it is very sad that this has to be done but she is very happy it is a very short list which indicates that even though it is early in the program, the City has been able to work with a lot of property owners and help them through the process.

Mr. Sidoti echoed Ms. Shaffer Bish's comments and thanked Bridget Susel and her staff on their great way of working with people. He has heard a lot of positive things and believes this program raises the level of confidence in the fact the City is doing something to help property values.

THE MOTION CARRIED by a voice vote of 9-0.

2. Proposed 2021-2025 Capital Plan Update

Mr. Ruller introduced the Capital Improvement Plan update and credited multiyear planning which helps when things happen such as a pandemic.. So much more is accomplished at a better price for residents because of this planning. He is proud of the document provided to Council tonight and the work being done. The sewer rate will be looked at in depth during the discussion and he believes there

are good solutions that will be presented. Declining water usage has been a challenge for the water fund. Ms. Rhonda Hall will provide highlights on the water and sewer funds.

Ms. Rhonda Hall referenced the Capital Plan which was hand delivered to Council Member's homes prior to the meeting. She referenced the Capital Plan Analysis of the Water Fund spreadsheet, and estimated a 45% fund ratio for both 2020 and 2021. The Storm Water Fund is estimated at 185% which is in excellent shape and to be at 144% in 2021.

Mr. Ferrara asked if the ratio is the balance versus operating expenses. Ms. Hall said it is a calculation of the average operating expenses plus the debt service.

Ms. Wallach asked about the fee rate for stormwater and how it is going.

Mr. Bowling said it has been reviewed and will bring back to Council in the next month or two on where it stands.

Ms. Hall reviewed the Capital Plan Fund page which is analyzed in detail. Highlights included receiving \$16 million in income tax revenue being received which is lower than the \$16,700,000 expected. There was a boost from the Kent State buyouts that help with reductions in April, May, June of over \$800,000 and are now estimating there will be another \$400,000-500,000-reduction due to layoffs. She also highlighted the miscellaneous reimbursements of salaries from CARES Act funds. Reductions taken over this past year and projects being postponed will raise the fund balance at the end of the year.

Mr. Kuhar asked where he could see the CARES Act money received and Ms. Hall clarified that is not shown on the Capital Plan, but instead Fund 137 was created for the CARES Act dollars. Money is going into that fund and then that fund pays out expenses incurred or reimbursing the original funds that had the expenditures.

Ms. Hall continued to review the Capital Plan and is estimating a combined fund balance of \$12,183,023 which is a decrease of \$1.8 million from the prior year, but if expenses are reduced it will trend higher.

The discussion then turned to the sewer fund which is not trending in the right direction. Mr. Bowling stated this fund has large anticipated needs going forward. A payment plan has been put in place for those struggling to pay their bills and the majority are either paying off early or following through. She has developed a list of agencies for people to contact if they are not able to keep up with the payment plan.

Mr. Bowling reviewed the Water Reclamation Facility needs for the next five to ten years, sewer sales, finished water yearly flows and six key steps to help the sewer fund. These steps are: increase sewer revenues, maximize funding with OPWC for sewer, reducing operational costs, expiring debt service, defer capital expenses and updating personnel's time allocations. He went into detail on the current cost per household and projected cost. **(Attachment #1)**

Mr. Kuhar asked if this would be the right time to put together a marketing plan to recruit industrial development. Mr. Bowling said this has been discussed all thirteen years he has been with the City with the closest being the Sierra Nevada Brewer. Kent is not near a major interstate as transportation is important. Mr. Ruller said it has been a priority for the past fifteen years. He added there is not an abundance of land that also has water and sewer.

Ms. Baker reminded Council they were able to use the NOPEC Grants this year and use \$75000 on one project and \$45,000 on more efficient motors throughout the plant. Water reclamation has been able to decrease operations by 11% this year.

Mr. DeLeone asked who would be supplying the water to the new Davey Complex. Mr. Bowling said it is anticipated Kent would supply water but nothing has been requested as of yet.

Mr. Bowling summarized his presentation by highlighting there are major capital needs that are upcoming and sales are declining. His presentation outlined the six key steps to address the needs, with four steps already in progress. They will look at reallocating personnel time which will be presented in December but the discussion needs to continue regarding a sewer rate increase.

Mr. Sidoti asked about selling water to neighboring communities. Mr. Bowling said the City is boxed in from the west and the north, south and east is provided by Portage County Resources. There is not a lot of land where water can be provided.

Ms. Shaffer Bish said it seems like there is competition and redundant services and it seems to make sense to develop partnerships. She mentioned the County providing services to new businesses within the Kent zip code. Mr. Bowling said water is pumped and is easier to serve outside areas. Sewage is another story. Regionalization has been looked at and in the future discussions like these may lead everyone in that direction. Sewer is different as it flows by gravity and a treatment plant needs to be at the lowest point in that region. It would be much harder to regionalize sewer.

The personnel allocation issue will be looked at and included in the Budget review for December. Mr. Ruller asked Council what percentage they would be willing to increase sewer.

MOTION TO INCREASE THE SEWER FUND BY FIVE (5) PERCENT was made by Mr. Sidoti, **SECONDED** by Ms. Rosenberg.

Council Discussion:

Mr. Sidoti said to get it into discussion a motion on the floor is needed. He is not sure if the market can bear 5% but it is really less than what is needed down the line.

Ms. Wallach asked if this would come into effect immediately or if it can be scheduled in over time. Rhonda Hall said a decision can be made as to when to start the raise, but the sooner the better. It could be started in the second quarter. Ms. Wallach added that people are really hurting and some don't know where they are going to live, so she would like to see how the budget pans out before making this increase.

Mr. Turner asked what the implications are for delaying the increase and if it creates a problem. Ms. Rhonda Hall replied a prolonging of the increase would make the fund worse because expenditures are still going up. Mr. Ruller reviewed the percentage rate increases and that the increase will not solve the problem, but it's just a piece of a multi-faceted approach.

Ms. Shaffer said that what bothers her about the economy is that it is affecting everyone differently, some aren't affected at all and some people are really struggling. She added that some people may be really hurt and some may not think it's a big deal. She asked if there is some way people can demonstrate a Covid impact to receive assistance.

Ms. Rosenberg asked to review the 5% increase and if it was a little over \$2 per household. She said a voucher may be difficult. She asked what is in place for households that are having a difficulty paying utility bills and how many households are using this program.

Ms. Hall reviewed the payment plan option and said there are less than twenty payment plans in place. Most are renters and some are the actual homeowners.

MOTION TO AMEND THE ORIGINAL MOTION TO INCREASE THE SEWER RATE 3% FOR THE FIRST SIX MONTHS AND THEN INCREASE TO 5% FOR THE REMAINDER OF THE YEAR made by Mr. Ferrara **SECONDED** by Ms. Rosenberg.

MOTION TO AMEND THE AMENDED MOTION TO INCREASE THE SEWER RATE 3% AND THEN EVALUATE AFTER SIX MONTHS made by Ms. Wallach and **SECONDED** by Mr. Turner.

Council Discussion:

Mr. Ferrara added he thinks it is reasonable but thinks it reasonable to just say 3%. If we look at it and it stops after six months that would continue the problem. The 3% would be permanent with the option to raise it after six months. Ms. Wallach agreed.

THE AMENDMENT TO THE AMENDMENT FAILED with a voice vote of 0-9.

A MOTION TO AMEND MR. FERRARA'S AMENDMENT TO MAINTAIN A 3% INCREASE TO THE SEWER RATE AND AFTER SIX MONTHS EVALUATE A FURTHER INCREASE made by Ms. Rosenberg **SECONDED** by Ms. Shaffer.

Council Discussion:

Mr. Kuhar said he has been referring many people to the CARES funding and even members of his family are having a hard time paying their water and sewer bills, along with rent. The Covid numbers are up and the last thing he wants to do is increase rates for people who can't pay their bills. The timing on this is bad. He will oppose anything that raises rates.

Ms. Shaffer added this is almost like housekeeping as they have already agreed to raise rates 3% every year. Now we are going to evaluate in six months if another rate increase is needed. She is going to vote to the 3% increase because it has already been agreed upon in 2011 to have a rate increase every year.

Mr. Amrhein agreed with Ms. Shaffer and said the longer we wait the more impact it will have on people. This would cause a future big increase in rates which would not be desirable.

Mr. Sidoti said if nothing is done the total budget of the City would need to be reviewed and allocating funds into the sewer fund. He said that is how it is done with a household budget. He agrees with Mr. Kuhar that the timing is not good, but he doesn't know when there would be a good one.

Mr. Turner said a huge concern he has is for local businesses and asked if the CARES funding helps them. Ms. Rhonda said there are grants businesses could apply. Ms. Susel said there is a utility assistance program that is not income driven, just proof of being affected by Covid in that timeframe. CDBG Cares Act funding has enough money for ten (10) \$10,000 grants to small businesses they can apply towards any cost as long as they can show they have been impacted by Covid since March 1st. Ms. Susel will send a list to Council that summarizes these.

THE AMENDED MOTION TO THE AMENDMENT TO INCREASE SEWER RATES BY 3% AND EVALUATE AFTER SIX MONTHS CARRIED by a voice vote of 7-2 with Mr. Kuhar and Mr. Turner voting NO.

Ms. Baker thanked Council saying this is a tough topic and appreciates them providing direction during a very tough time. She is thankful for their proactive efforts to keep things moving in the right direction.

MOTION TO APPROVE THE CAPITAL PLAN made by Mr. Sidoti **SECONDED** by Ms. Shaffer Bish and **CARRIED** by a voice vote of 9-0.

3. Transfer of Taxes from Portage County

Ms. Rhonda Hall requested permission from Council to request property taxes from the County and advance them before the settlement

MOTION TO AUTHORIZE the transfer of County proceeds was made by Mr. Sidoti, **SECONDED** by Mr. Amrhein and **CARRIED** by a voice vote of 9-0.

4. 2020 Budget Appropriations Amendment

Ms. Rhonda Hall requested approval of the amended appropriations submitted in a memo dated October 27 2020 to the City Manager.

MOTION TO AUTHORIZE THE SUBMITTED 2020 BUDGET APPROPRIATIONS was made by Ms. Shaffer Bish, **SECONDED** by Ms. Wallach and **CARRIED** by a voice vote of 9-0.

Hearing no further business, the meeting adjourned at 9:37 p.m.

Amy Wilkens
Clerk of Council

ACTION RECOMMENDED:

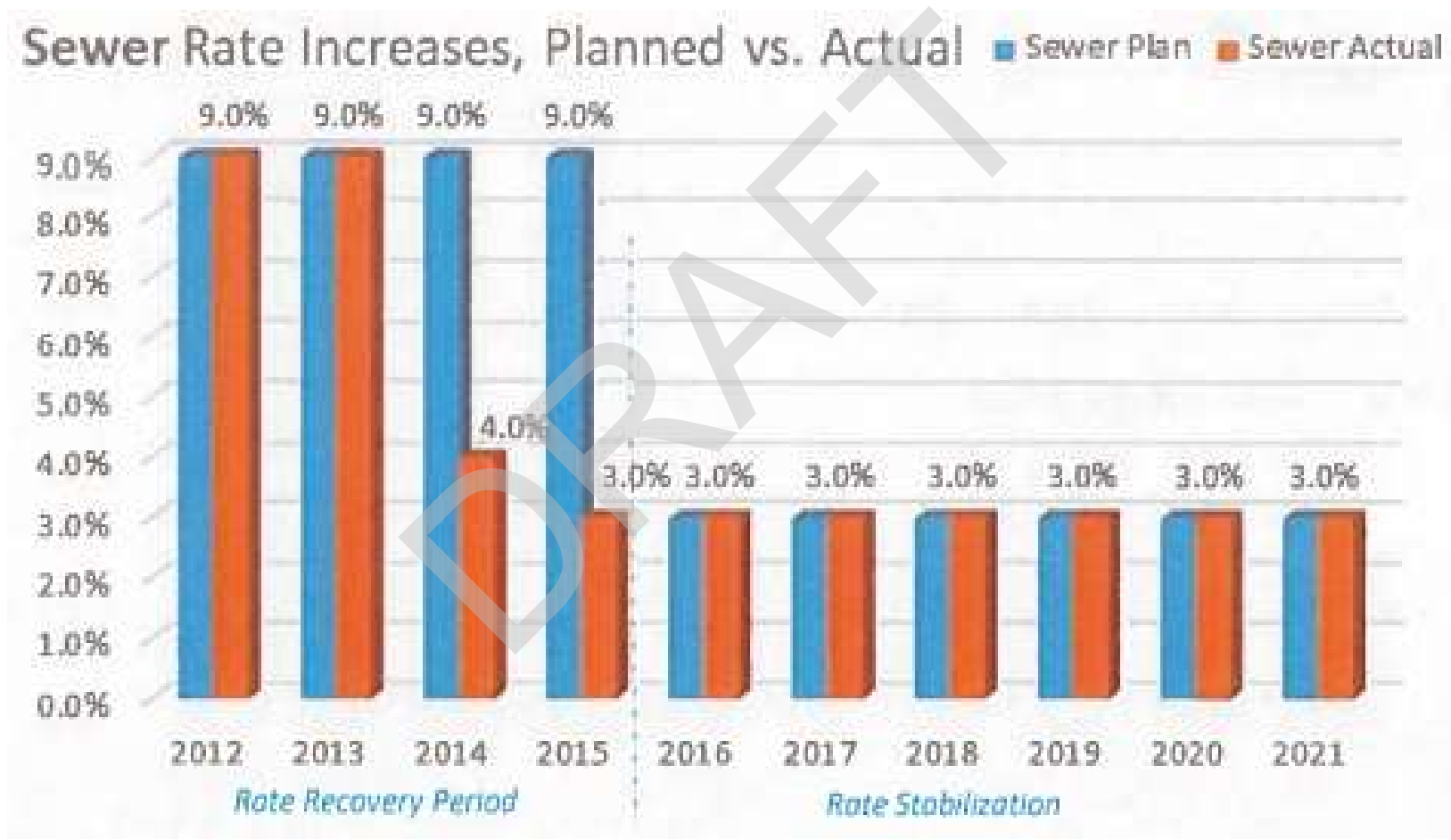
- 1) **Certify and Authorize the submission of the proposed proper tax liens.**
- 2) **Approve the proposed 2021-2025 Capital Improvement Plan (CIP).**
- 3) **Adopt the resolution authorizing the transfer of county tax proceeds.**
- 4) **Authorize the submitted 2020 Budget Appropriations.**

Water Reclamation Facility – Upcoming Needs (5 – 10) years

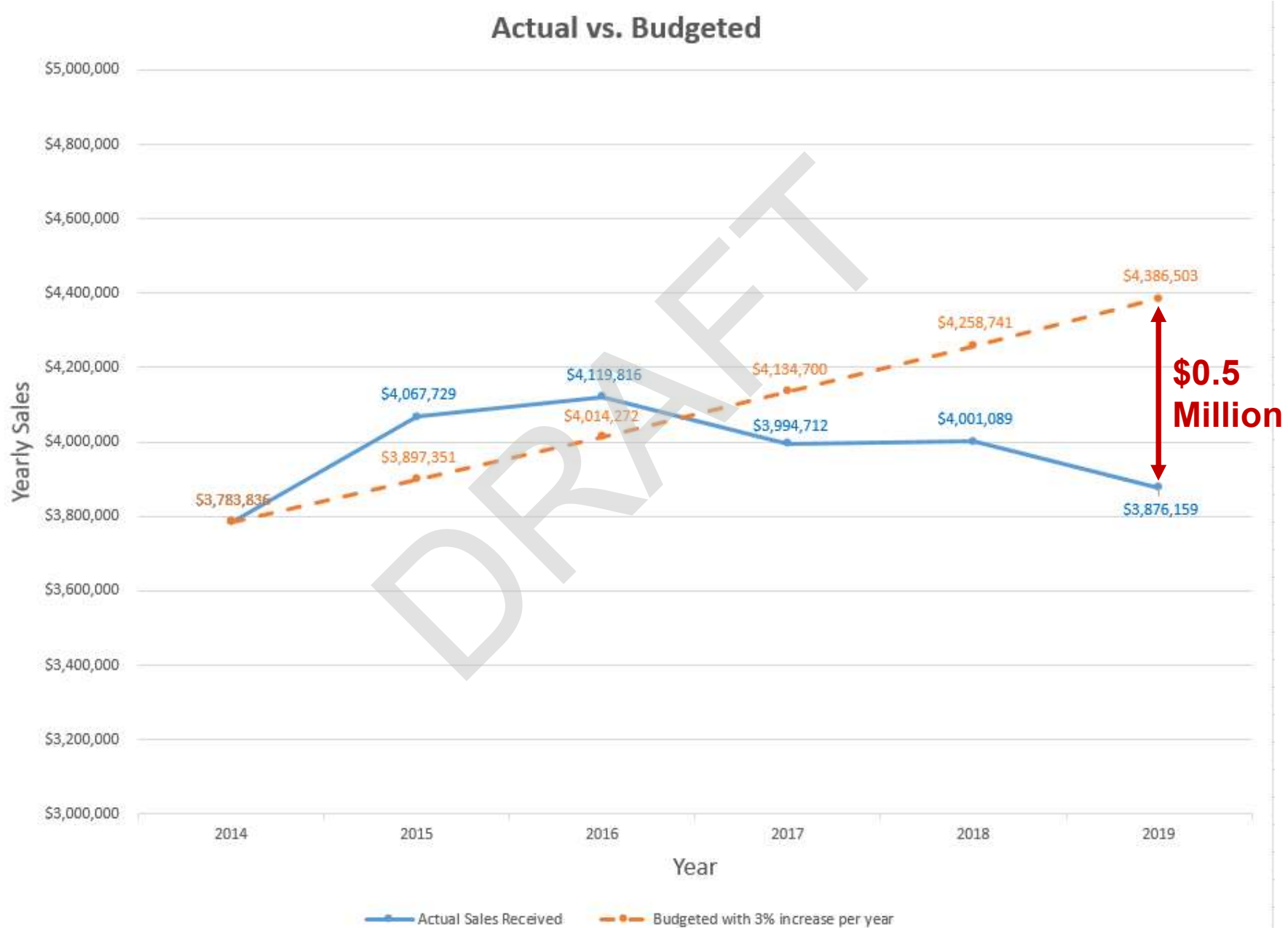
Water Reclamation Facility Needs	Budgetary Costs
Final Clarifiers	\$4.6 million
Heat Digesters	\$4.9 million
SW Pump Station Replacement	\$2.6 million
Motor Control Center Replacement	\$1.0 million
Primary Clarifier	\$0.8 million
Aeration Basins	\$0.5 million
Headworks Renovation	TBD
Total	+ \$14.4 million

- Doesn't include normal capital expenses
- Need **\$1.5 to \$1.8 million** per year for capital
- Annual Sewer Fund Revenue.... **+/- \$4.1 million**

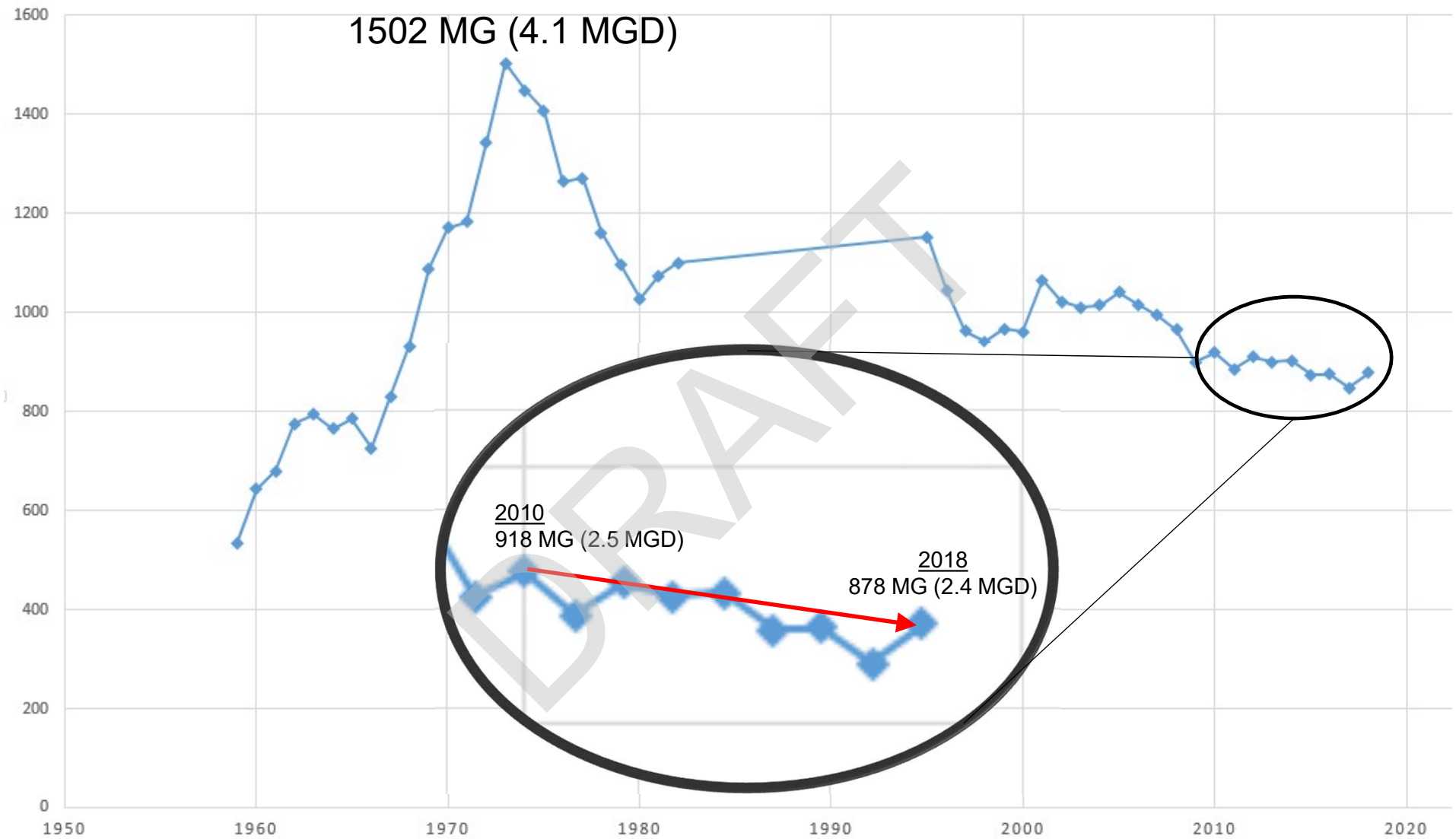
Sewer Sales



Sewer Sales

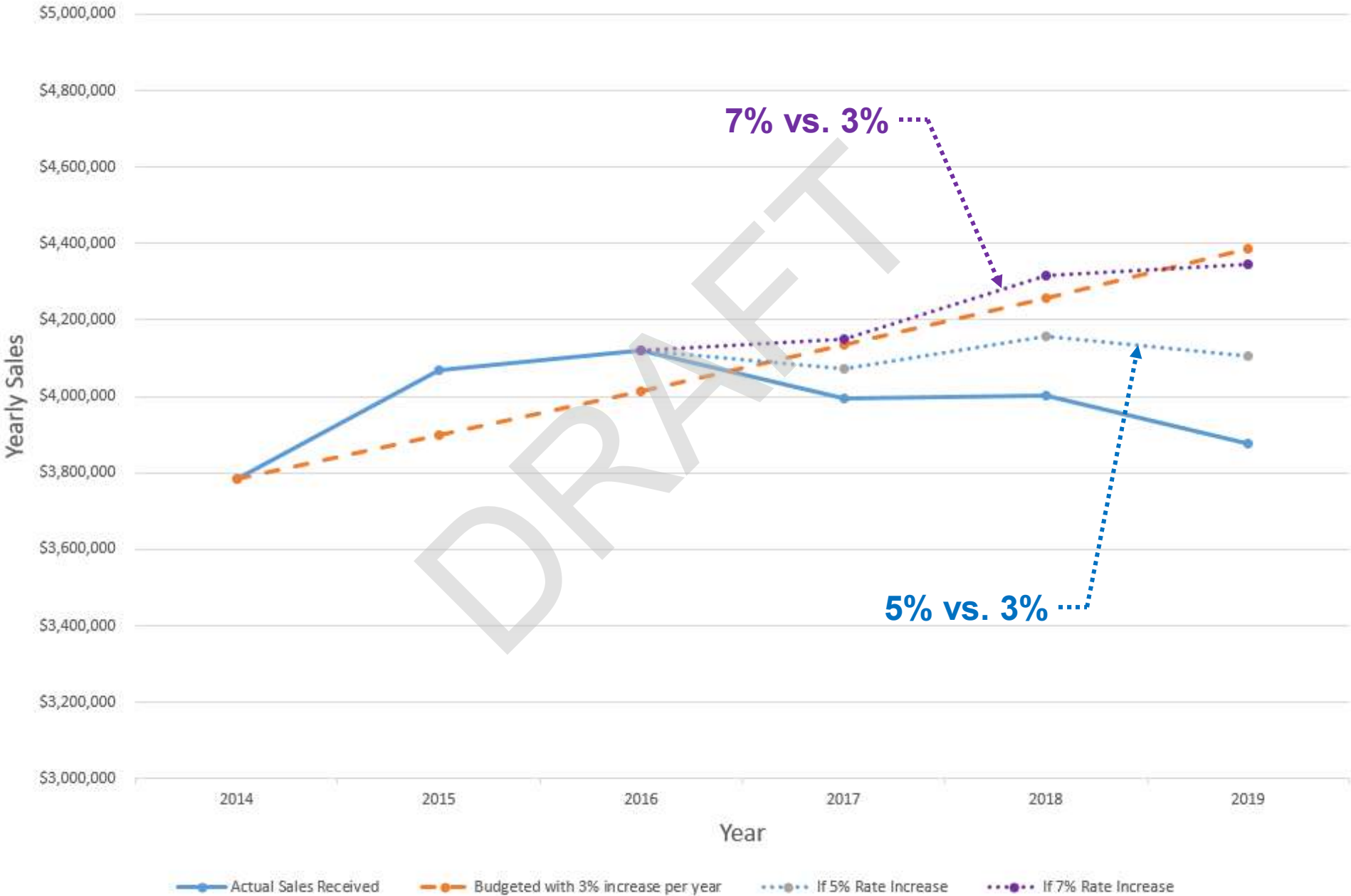


FINISHED WATER YEARLY FLOWS 1959-2018



Sewer Sales

Actual vs. Budgeted



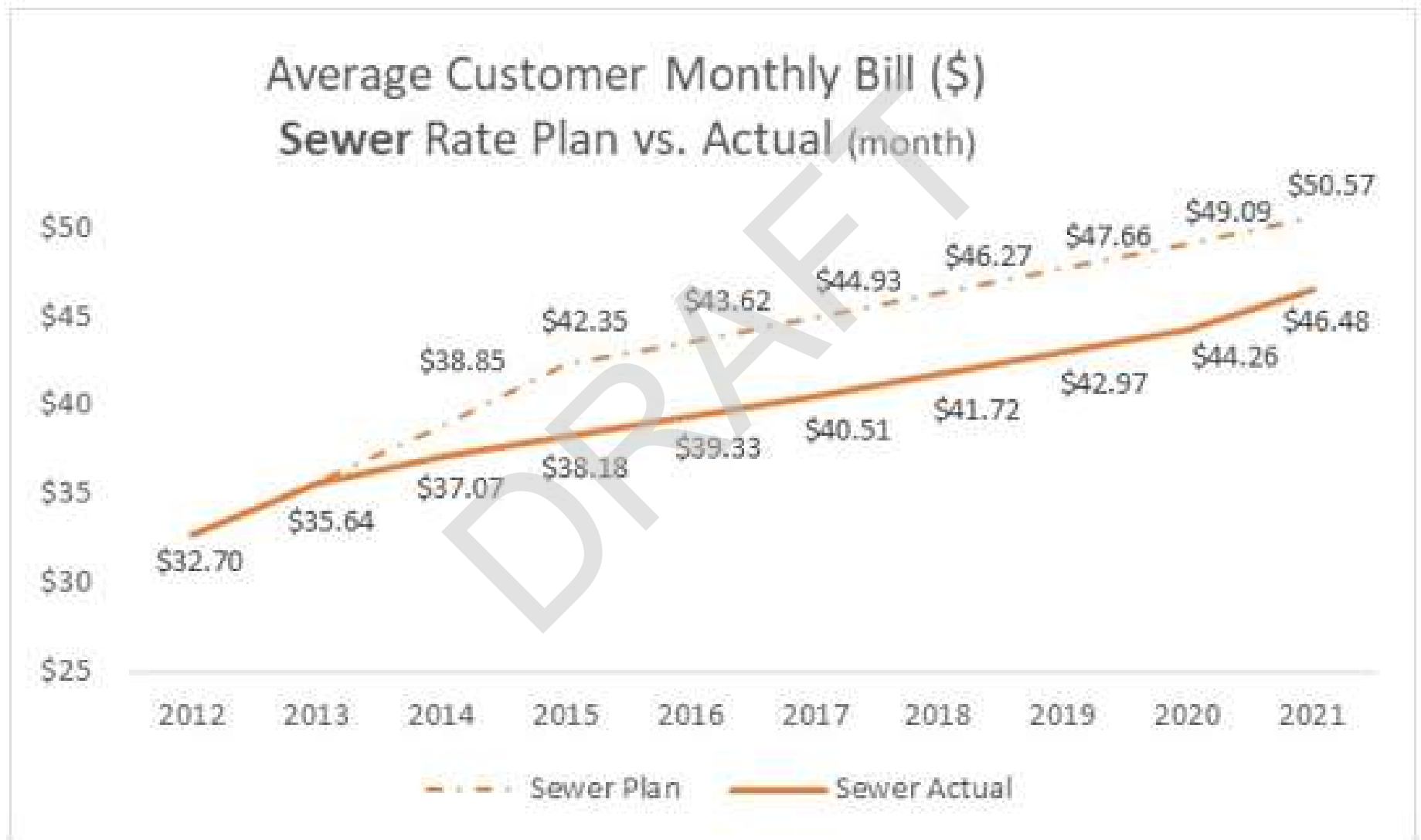
Six Key Steps

- ? • Increase Sewer Revenues **5% per year** **INCREASE REVENUE**
- ✓ • Maximize Funding with OPWC for Sewer **\$500k per year**

- ✓ • Reduce Operational Costs **REDUCE COSTS**
- ✓ • Expiring Debt Service **\$400k per year**

- ✓ • Defer Capital Expenses **COST ALLOCATION**
- ? • Update Personnel's Time Allocations **\$700k per year**

Household Impacts



Household Impacts

Monthly Bill Increase

- Avg. Usage
 - 3% = \$1.33 /mo.
 - 5% = \$2.21 /mo.
 - 9% = \$3.99 /mo.
- Minimum Usage
 - 3% = \$0.51 /mo.
 - 5% = \$0.85 /mo.
 - 9% = \$1.54 /mo.

Shut Off Assistance Measures

- B&F Payment Plans
- COVID Related Subsidy

Summary

- Major Capital Needs Upcoming - **+\$14.4 million** in the next 5 to 10 years
- Declining Sales **> 3% per year**
- **6** Key Steps to Address the Needs
- **4 Key Steps** in Progress
- Reallocate Personnel Time – **to Council in December**
- Sewer Rate Increase...**Discussion**